

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.24579 OF 2013

DATED:26-11-2015

Between:

Afzal Shaik

and another ... Petitioners

And

Greater Hyderabad Municipal Corporation

Rep. by its Commissioner

Tank Bund, Hyderabad

and another ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. T. Sudhakar Reddy

COUNSEL FOR THE RESPONDENTS: Mr. Sampath Prabhakar Reddy,

Standing Counsel for G.H.M.C.

THE COURT MADE THE FOLLOWING:

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ORDER:

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The petitioners, who have indulged in brazen violation of law by raising a large shed

which according to the respondents measures 16,596 sft., filed this writ petition for the indulgence of this Court to protect such blatantly illegal construction.

The sum and substance of the grievance of the petitioners is that though they have raised the structure without even applying for building permission, leave alone obtaining such permission, since Building Penalization Scheme (BPS) was introduced by the State Government, they are entitled to regularization of the structure. Even this plea was considered by respondent No.2 and rejected by the impugned order wherein it is stated that as per G.O. Ms. No.901, Municipal Administration and Urban Development Department, dt.31.12.2007, the scheme was closed on 15.07.2008 and that the petitioners have not applied for regularization prior to the said date. The photographs filed by the petitioners themselves show that not only that a huge shed is raised, but also a big restaurant is being run therein. The respondents have pleaded, which is not disputed by the petitioners, that the structure is raised without leaving any setbacks whatsoever.

Under these facts and circumstances of the case, I do not find any reason whatsoever to interfere with the orders passed by the respondents, lest any such interference would only amount to encouraging the persons who are indulging in brazen violation of law.

Hence, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.30266 of 2013, W.P.M.P. No.1723 of 2015 and W.V.M.P. No.885 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

26-11-2015

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