

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.9284 & 16251 OF 2012

COMMON ORDER

Since the subject matter of these writ petitions is one and same, both are heard together and disposed of by this common order.

The petitioner in W.P.No.9284 of 2012 sought for a *Writ of Mandamus* declaring the action of the respondent Nos.1 and 2 in not taking action upon the representation dated 28.11.2011 submitted by the petitioner to stop the unauthorised constructions being made by the 3rd respondent over the house bearing Municipal No.1-85 situated at Madhapur, Serilingampally Mandal, Rangareddy District, as illegal and arbitrary and for a consequential direction to the respondents to consider the representation of the petitioner in accordance with law.

Whereas W.P.No.16251 of 2012 is filed seeking writ of mandamus directing the respondents to consider the petitioner's application dated 20.01.2012 for restoration of Regularisation proceedings No.BPS/4193/Cir-XI/WZ/2008, dated 16.06.2010 and further declare the cancellation proceedings dated 11.02.2011 passed by the 2nd respondent in respect of house bearing Municipal No.1-85, as illegal and against the provisions of Regularisation scheme.

Counter affidavit is filed by the 3rd respondent in W.P.No.9284 of 2012 stating that he made an application for regularisation of the constructions made by him and the same were regularised vide proceedings dated 16.06.2010. Subsequently, the said proceedings were cancelled vide proceedings dated 11.02.2011 without issuing any notice. Aggrieved by the same, he filed W.P.No.16251 of 2012 seeking restoration of regularisation proceedings and to declare the cancellation proceedings as illegal.

Heard the learned counsel for the petitioners as well as the learned Standing counsel for the respondents in both the writ petitions.

Since the proceedings dated 11.02.2011, cancelling the

regularisation proceedings were issued, without issuing any prior notice and without giving any opportunity to the petitioner in W.P.No.16251 of 2012, the same is liable to be set aside as the same is in violation of principles of natural justice.

Since this Court granted stay in W.P.No.16251 of 2012, the authorities could not take any action on the representation submitted by the petitioner in W.P.No.9284 of 2012.

In view of the above, both the writ petitions are disposed of. The impugned order in W.P.No.16251 of 2012 is set aside. However, the Municipal Corporation is directed to issue notice to the petitioner in W.P.No.9284 and 16251 of 2012 and after giving opportunity of hearing to both sides, appropriate orders shall be passed within a period of four (4) weeks from the date of receipt of copy of this order and thereafter action shall be taken in accordance with law. Till then, status-quo obtaining as on today shall be maintained. No costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

17.07.2015

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