

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.23228 of 2015

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Between:

Smt.Potireddy Sarojini,
W/o Ananda Rao,
Dr.No.20A-7-8/1,
Mondurivari Street,
Ward No.21, Gandhinagaram,
Eluru, West Godavari District.

.. Petitioner

And

The Eluru Municipal Corporation,
Rep. by its Commissioner,
Eluru, West Godavari District.

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23228 of 2015

ORDER:

This Writ Petition is filed seeking to declare the action of the respondent, in making efforts to demolish part of the building bearing D.No.20A-7-8/1, Mondurivari Street, Gandhinagar, Ward No.46, Eluru, West Godavari District without following the due process of law, as illegal and arbitrary.

2. According to the petitioner, she purchased site consisting of a dhaba and tiled house along with tin sheet roofed shed in an extent of 80 sq.yards which also consists of 10 sq.yards of joint passage with undivided half share of 0.5 sq.yards by way of a registered sale deed dated 05.02.1999. Later the petitioner intended to remove the dhaba and existing structures and accordingly applied for permission for construction of a building. Permission was granted on 12.02.2013 for construction of the building consisting of ground floor + first floor bearing Municipal Door No.20A-7-8/1. While so, the petitioner was served a notice dated 18.04.2013 under Sections 452 (1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 alleging that the construction is being made in violation of the rules. Thereafter, no

further steps were taken by the respondent-Corporation. In the meanwhile, on several occasions the staff of the respondent-Corporation visited the premises and threatened the petitioner to remove the deviations made by her though the petitioner was trying to explain that there was no deviation and that she has constructed the same according to the sanctioned plan, but the employees of the respondent-Corporation continued to visit and threatened the petitioner. In pursuance of the scheme announced by the State Government, the petitioner submitted an application dated 09.07.2015 for regularization of the constructions, as she was advised to submit such an application for regularization to avoid unnecessary complications. Pending consideration of the said application dated 09.07.2015, alleging harassment and humiliation by the respondent-Corporation authorities, this Writ Petition is instituted.

Learned Standing Counsel for Eluru Municipal Corporation do not dispute filing of an application for regularization. Having regard to the same, the Writ Petition is disposed of without expressing any opinion on merits of this Writ Petition directing the respondent-Corporation to consider the application dated 09.07.2015 filed by the petitioner for regularization of the unauthorized constructions made as expeditiously as possible and till such application is considered and appropriate orders are passed not to take any penal consequences against the petitioner. It is also made clear that the petitioner shall not undertake any further construction till her application for regularization is considered and appropriate orders are passed. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

P.NAVEEN RAO, J

03rd August, 2015.

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