

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.7504 of 2012

ORDER

This writ petition is filed challenging the notice dated 6.3.2012 issued by the respondent-Corporation in respect of the property of the petitioner bearing No.1-8-215/21 & 22 (Part) forming part of Bunglow No.142, situated at L.B.Nagar, Prenderghast Road, Secunderabad.

The said notice was issued under Section 636 of the Hyderabad Municipal Corporation Act, 1955, wherein it was stated that the petitioner has deviated the sanctioned plan by projecting the balcony on rear side set back portion. It was also stated therein that as per the sanctioned plan, 2.0 meters was required to be left, whereas only 3 feet was maintained.

This Court by order dated 19.3.2012 directed the respondents not to demolish the property of the petitioner pending disposal of the writ petition and the petitioner was also directed not to make any further constructions.

It is submitted by the learned counsel appearing for the petitioner that during pendency of the writ petition, an application for regularization was made in respect of the deviated portions and the same is pending consideration.

A Public Interest Litigation was filed before this Court challenging the scheme of regularization of unauthorized constructions and a Division Bench of this Court while keeping the said Writ Petition pending directed the respondents, Greater

Hyderabad Municipal Corporation to consider the pending applications and wherever the regularization orders cannot be considered allowed the respondents to pass appropriate orders rejecting the applications, but in respect of the applications which can be considered for regularization were asked to be kept pending, pending further orders to be passed in the said Public Interest Litigation.

In view of the same, in the instant case also if the application of the petitioner is pending consideration, the same can be processed as per the directions of the Division Bench of this Court and appropriate action can be taken in accordance with the said directions. If no application of the petitioner is pending or if the application of the petitioner is rejected, it is open to the respondents to take appropriate action in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

8th November, 2016
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