

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.46514 AND 46561 OF 2016

Dated:30.12.2016

Between:

W.P.No.46514 OF 2016

S. Sandeep, S/o. Satyanarayana,
Aged about 36 years, Occ: Private
Employee, R/o.D.No.22-1109/BK/EWS,
Plot Nos.17 & 18, Bathakammagunta,
Bagh Amberpet, Hyderabad

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Department of
Municipal Administration and Urban
Development, T.S. Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.46514 AND 46561 OF 2016

COMMON ORDER:

Heard. With the consent of learned counsel for the parties, these Writ Petitions are being disposed of at the stage of admission.

2. The petitioners claimed to have undertaken construction of the buildings in the properties belonging to them. Having realised that the construction was made in violation of the building permissions and the provisions of the Greater Hyderabad Municipal Corporations Act, 1955 (for short, 'the Act'), the petitioners applied for regularisation of the illegal/unauthorised construction on 20.12.2015 and 15.01.2016, respectively, and the said applications are pending consideration with the respondent – Municipal Corporation. At this stage, the petitioners were served with notices, dated 19.12.2016 and 17.12.2016 respectively, under Section 461 of the Act directing them to submit the sanctioned plan/relevant registered documents for verification. The petitioners claimed to have submitted the required documents. However, apprehending that the respondent – Municipal Corporation would take coercive action against the constructions made by the petitioners, they filed these Writ Petitions.

3. Learned counsel for the petitioners contends that since the building regularisation applications are pending, until they are considered and appropriate decision is taken, the respondents be directed not to take any coercive action against the petitioners, as

the respondent – Municipal Corporation is threatening to take such action.

4. Learned Standing Counsel for the respondent – Municipal Corporation, on instructions, submits that the respondent – Municipal Corporation only sought the information regarding the sanctioned plan/relevant registered documents and they are not initiating steps to take coercive action and what is alleged is only apprehension. He further submits that in view of the directions issued by the Division Bench of this Court in W.P.No.5130 of 2016 and batch, dated 18.10.2016, no coercive action is contemplated till the building regularisation applications are considered and appropriate decision is taken.

5. Having regard to these submissions, the Writ Petitions are disposed of directing the respondent – Municipal Corporation to consider the building regularisation applications, dated 20.12.2015 and 15.01.2016, respectively, submitted by the petitioners and pass orders within a period of eight (8) weeks. Till a decision is taken and appropriate orders are passed and communicated to the petitioners on the building regularisation applications submitted by them, the respondent – Municipal Corporation is directed not to take any coercive action of demolishing the subject structures. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

P. NAVEEN RAO, J

Date:30.12.2016

KH