

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.36491 OF 2016

ORDER:

Heard learned counsel for the petitioner; learned Government Pleader for Revenue; and Sri Pasham Krishna Reddy, learned Standing Counsel appearing for the Greater Hyderabad Municipal Corporation.

2. The case of the petitioner is that he has purchased the property covered by plot Nos.19 and 20 in Sy.Nos.77 & 78 admeasuring 186 sq. yards, situated at Swaroopnagar colony, Uppal Kalan Village, Uppal Mandal and subsequently the petitioner obtained permission from the competent authority for construction of house and accordingly got constructed the same. It is stated that since the land is situated in an unapproved layout, on the advise, the petitioner applied for regularization of layout under L.R Scheme and the same is pending with the respondents. While things stood thus, the respondent-authorities under the guise of removal/clearance of the NALA encroachments in the city are trying to demolish the structures and in the said process, the respondents made certain markings for the purpose of removing the same even without giving any prior notice to the petitioner. Questioning the said action of the respondents, the petitioner approached this court by this writ petition.

3. Learned counsel appearing for the parties fairly submits that the issue involved in this writ petition is similar to issue in a batch of writ petitions, where under this court by order dated 30.09.2016 passed interim orders in WPMP No.42127 of 2016 in WP No.34149 of 2016 and batch. The operation portion of the order dated 30.09.2016 reads as under:

- “i. issue notices to all persons/firms/companies who are suspected or alleged to have constructed buildings or structures on Nalas or tank beds;
- ii. disclose the material available with the respondent authorities along with such notices that the constructions are in locations warranting demolition;
- iii. give two weeks time from the date of receipt of such notice to the persons/firms/Corporations who are alleged to have built the said structures or tank beds/nalas to respond to such notices or vacate the said premises; and
- iv. then pass a reasoned order why the demolition is justified.”

In the light of the guidelines framed by this Court in the above said order, the respondent-Corporation shall issue notice to the petitioner and call for explanation by providing reasonable time to submit the explanation. After submitting the explanation, the respondent-authorities, shall consider the same and pass appropriate orders and if really there are any violations as per the sanctioned plan, the respondent-corporation may take action in accordance with law.

It is also made clear that the application of the petitioner for regularization of layout under L.R Scheme is pending with the respondent-Corporation and the final orders are yet to be passed. In that view of the matter, till the orders are passed in the L.R Scheme application, the respondent-authorities shall not take any coercive steps against the petitioner. However, this order will not preclude the respondent-authorities to demolish such structures without notice if there is an emergent situation.

No further constructions shall be made by the petitioner without obtaining permission from the GHMC.

Subject to the above, the writ petition is disposed of. No order as to costs.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:26.10.2016

Note: Issue CC forthwith.

B/o.

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