

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.37670 OF 2016

DATED : 03.11.2016

Between :

Mohd. Hussain Khan S/o.Mohd. Fakhruddin Khan
Aged about 70 yrs, Occu : Retd. Govt.Employee,
R/o.H.No.12-2-20, Syed Ali Guda, Hyderabad.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Commissioner,
Municipal Administration and Urban Development,
Telangana Secretariat Building, Hyderabad & others.

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.37670 of 2016****ORDER :**

Petitioner challenges the proceedings dated 22.04.2016 issued by the 4th respondent, by which he was asked to deposit an amount of Rs.17 lakhs required for demolition of the subject building, which is in dilapidated condition.

2. Learned counsel for the petitioner would primarily submit that the Greater Hyderabad Municipal Corporation erred in making an unreasonable demand of such amount to demolish the subject property. He would submit that the GHMC ought to have allowed the petitioner to undertake the job of removing the structures which cannot stand in view of the reports of the experts on structural stability of the building.

3. However, learned Standing counsel points out that this order is passed based on the request made by the petitioner and having requested the GHMC to undertake the job of demolition, petitioner cannot refuse to pay the money demanded.

4. Having regard to the provisions contained in Section 456 of the Greater Hyderabad Municipal Corporation Act, learned counsel for the petitioner as well as learned Standing counsel would fairly submit that there is no requirement for the GHMC to undertake the job of demolition and that the petitioner is ready to take up the task on his own being the owner of the premises, where the structure is standing now.

5. Having regard to the above submissions, the writ petition is disposed of granting liberty to the petitioner to inform the GHMC in

writing that the task of demolition of the structures in the subject premises and removing the debris shall be taken up by the petitioner on his own and that the GHMC is not required to take up the job, as earlier requested by the petitioner. As and when such information is received, the GHMC shall allow the petitioner to undertake the job of removing the structures in the subject premises. The communication granting liberty to the petitioner to undertake demolition of subject property be furnished within a period of one week from the date of receipt of intimation. However, it is made clear, this order does not affect the rival claims, if any, on the subject property. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

3rd November, 2016

Note : Issue C.C. by tomorrow.

B/o.
Rds

P.NAVEEN RAO,J

