

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.37781 of 2015

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Date: 20.01.2016

Between:

G.Bhadranna

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Administration & Urban Development Dept.,
Hyderabad and 2 others

.. Respondents

Counsel for the petitioner : Mr.K.Raghuveer Reddy

**Counsel for the respondent No.1: AGP for Municipal
Administration**

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the inaction of respondent No.2, in removing the illegal construction made by respondent No.3, as illegal.

Mr.N.Praveen Kumar, learned Standing Counsel for the Municipalities (Telangana State), on instructions from respondent No.2, submitted that on receipt of the complaint from the petitioner, respondent No.2 has issued show cause notices under Sections 217 and 228 (1) of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act') to respondent No.3 and that on receipt of the same, the said respondent has filed an application for regularization of the unauthorized construction as per G.O.Ms.No.152, dated 02.11.2015. The learned Standing Counsel has further submitted that in view of the said application, respondent No.2 is disabled from proceeding with further action against the illegal construction made by respondent No.3.

The learned Counsel representing Mr.K.Raghuveer Reddy, learned Counsel for the petitioner, submitted that the unauthorized construction made by respondent No.3, which

denied ingress and egress to the petitioner's property, cannot be regularized.

Once an application for regularization is made in pursuance of the Scheme brought out by the State Government, respondent No.2 is not expected to take coercive steps till the said application is disposed of. However, if the construction made by respondent No.3 does not deserve to be regularized as per the extant Scheme, the petitioner is entitled to file his objections before respondent No.2. If such objections are filed, respondent No.2 shall consider the same before taking a decision on the application for regularisation filed by respondent No.3 and subject to the result of the said application, he shall take further action against the alleged illegal construction made by respondent No.3.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.48596 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 20th January, 2016
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