

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.44438 OF 2016

ORDER:

Petitioners challenge the notice, dated 15.12.2016, issued by the Hyderabad Metropolitan Development Authority (HMDA) directing them to produce the development permission or valid permission obtained from the erstwhile HMDA for the alleged construction made in the subject premises.

2. The averments in the affidavit filed in support of the Writ Petition and the material papers enclosed to the Writ Petition would disclose that the petitioners were granted building permission on 06.11.2013 to construct residential building with ground and two upper floors and the said permission was validated for one year. By proceedings, dated 14.06.2016, the said permission was renewed for a further period of one year. In the guise of the said permission, the petitioners have undertaken construction of cellar and two additional floors in addition to the building permission granted. Petitioners also converted a portion of the subject premises into a commercial complex. Having noticed that the petitioners have deviated building permission granted to them, notice, dated 30.08.2016, was issued by the HMDA. Petitioners filed their explanation, dated 14.09.2016. In their explanation, they claim that the building construction was completed in the year 2014 and they are living in the said building. They also contend that the property is also assessed for tax by the

Gram Panchayat. Not satisfied with the explanation submitted by the petitioners, HMDA issued final notice, dated 15.12.2016, which is impugned in this Writ Petition.

3. A bare perusal of the material papers enclosed to the Writ Petition would show that the petitioners have deviated from the building permission granted to them and undertook construction to convert the residential building into commercial purpose and constructed cellar and two additional floors, in addition to the building permission granted. In fact, the photograph annexed to the Writ Petition would also disclose that the set backs are not observed. It is well said that photograph speak 1000 words. The photograph would disclose that the construction activity is still going on as construction material is placed in front of the building and two construction workers are sitting. Further, stating that the construction is not completed, petitioners have applied for renewal of the building permission granted on 06.11.2013, which was renewed on 14.06.2016. Contrary to this, petitioners claim as if the construction was already completed in the year 2014.

4. Even otherwise assuming that the construction was completed in the year 2014, there is no gain saying the fact that the construction made was in violation of the building permission granted. I, therefore, see no illegality in the impugned notice, dated 15.12.2016, issued by the HMDA and the proceedings initiated by it,

warranting interference of this Court. The Writ Petition merits no consideration.

5. The Writ Petition is accordingly dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

P. NAVEEN RAO, J

December 21, 2016.
MD

