

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT APPEAL No.674 OF 2016 & WRIT PETITION No.24377 of 2016

COMMON ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

_____ This Appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P.M.P.No.30044 of 2016 in W.P.No.24377 of 2016 dated 03.08.2016. Both Sri C.V.Mohan Reddy, learned Senior Counsel appearing on behalf of the appellant, and Sri Ch.Madhu, learned Standing Counsel for GHMC, would request that, instead, the writ petition itself be disposed of.

_____ The subject premises is a godown where gas cylinders are being stored by the appellant. Action was initiated for demolition of the unauthorised construction under Section 452(1) of the GHMC Act, 1955 (for short "the Act"). While submitting a reply to the said notice, the appellant also applied for regularisation under Section 455A of the Act. They claim that the said application, though filed electronically, was not accepted possibly on the ground that regularisation was sought of a shed; thereafter, the application for regularisation was filed manually; and the said application was summarily rejected.

_____ Sri Ch.Madhu, learned Standing Counsel for GHMC, on instructions, would submit that, if a fresh application is submitted to the Commissioner with a copy thereof marked to the Zonal Office along with the prescribed fee and all the stipulated particulars, the said application would be considered in accordance with law and action, if need be, would be taken thereafter.

_____ Sri C.V.Mohan Reddy, learned Senior Counsel appearing on behalf of the appellant, would submit that an application under Section 455A of the Act, along with the required particulars and the prescribed fee, would be submitted to the Commissioner, marking a copy thereof to the Zonal Office, within four weeks from today.

_____ In view of the submission now made by the learned Standing

Counsel, the impugned notice under Section 452(1) of the Act is set aside. The respondents shall, within two weeks of receipt of the application for regularisation (which shall be submitted within four weeks from today), intimate the appellant of the penalty amount required to be paid by them for regularisation. The appellant shall, within three weeks of receipt of intimation from the GHMC, pay the amount stipulated towards penalty under Section 455A of the Act; and the respondents shall, within three weeks from the date when the penalty amount is deposited by the appellant, consider the application for regularisation in accordance with law and pass a reasoned order thereupon. It is made clear that, after an order is passed on the appellant's application for regularisation, it is open to the respondents, if need be, to take further action in accordance with law.

Both the Writ Appeal and the Writ Petition are disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

18th August 2016
JSU

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Date: 18.08.2016

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