

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 35048 OF 2016

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration (Telangana) and Sri Sampath Prabhakar Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation.

The case of the petitioner is that he is the absolute owner and possessor of industrial plot in an extent of 2540 square yards in Survey No. 735, SVC Industrial Estate, IDA, Kukatpally and he constructed a wire products factory therein after obtaining necessary permission. While so, the 4th respondent Deputy Director (Industries Department) issued the notice dated 01.10.2016 directing him to demolish the compound wall and structures alleging that he encroached open nala portion. Questioning the said notice, the petitioner has approached this Court by way of this writ petition.

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. However, 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.

Consequently, the miscellaneous applications, if any, shall also stand disposed of.

JUSTICE CHALLA KODANDA RAM

19th October 2016

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