

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.35906 OF 2016

ORDER:

Heard learned counsel for the petitioner; and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation appearing for the respondents.

2. Petitioner claims that they are in the field of construction business. It is the case of the petitioner that in pursuance of the development agreement-cum-GPA vide document No.1433 of 2013, they are making constructions in Sy.No.62, 68/A and 68/AA situated at Madeenaguda village, Serilingampally Mandal, Ranga Reddy District, as per the plan, after obtaining necessary permission. As the site is stated to be near nala, as per the alignment and design suggested by the irrigation department, they have constructed a water channel. While so, on 26.09.2016 the officials of the 1st and 2nd respondents have visited the premises, removed the channel and started demolishing the structures, without issuing any notice. Questioning the said action of the respondents, the petitioner has approached this court by this writ petition.

3. 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.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:25.10.2016

v v



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