

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.14398 of 2013

ORDER :

The Writ Petition is filed seeking to issue a writ of *Mandamus*, or any other appropriate writ, order or direction, declaring the proceedings in Order No.UC/17/W.No.13/TPS/C3/E2/2013, dated 25-04-2013 of the 2nd Respondent as illegal and arbitrary and set aside the same and further direct the respondents not to demolish the petitioner's constructed house bearing plot No.217/A, Road No.4, Green Park Colony, Champapet, Hyderabad, without following due process of law and principles of natural justice.

It is the case of petitioners that 2nd petitioner's wife – 1st petitioner herein is the absolute owner and possessor of property in plot No.217/A, road No.4, Green Park Colony, Champapet, Hyderabad and the said plot was purchased with their life savings from Mohd.Moinuddin Hussain and others by way of registered sale deed vide Doc.No.1028 of 1980 by paying sale consideration. Since then, they are in peaceful possession and enjoyment without any interruption of any person. It is stated that the approvals for construction of new buildings in Green Park Colony have been stopped since quite sometime, hence the building is constructed by petitioners. It is stated that the subject house was assigned house number and taxes are also being collected, while so, on 15-04-2013, the respondent officials issued a notice under Section 452(1) and 361(1) of HMC Act, 1955 and after receiving notice, petitioners filed explanation, dated 20-04-2013 to the show cause

notice to the 2nd respondent and the same was received and acknowledged by the said respondent. Again on 25-04-2013, the 2nd respondent has issued impugned orders under Section 452(2) of GHMC Act, 1955 without considering the explanation of petitioners.

Now, the learned counsel for petitioners submits that in pursuance of the Regularization Scheme, the petitioner made an application on 21-01-2016 and the same is pending.

Heard Sri Posam Krishna Reddy, learned counsel appearing for respondents.

Since the application, dated 21-01-2017 of petitioners is stated to be pending under Regularization Scheme, the interim order, dated 09-05-2013, granted by this Court in W.P.M.P.No.17531 of 2013 shall continue pending disposal of the said application and respondent-authorities are directed to consider the application of petitioners and pass appropriate orders in accordance with law.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

A. RAJASHEKER REDDY, J.

Date: 15.11.2016

skmr