

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.36472 OF 2016

ORDER:

Heard learned counsel for the petitioner; learned Government Pleader for Revenue; and Sri Pasham Krishna Reddy, learned Standing Counsel appearing for the Greater Hyderabad Municipal Corporation.

2. The case of the petitioners is that they are the absolute owners and possessors of house plots situated in Plot Nos.20 and 21, Sy.No.77 and 78, Swaroopnagar colony, Uppal Kalan Village, Uppal Mandal and subsequently the petitioners obtained permission from the competent authority for construction of houses and accordingly constructed the same. It is stated that since the land is situated in an unapproved layout, on the advise, the 2nd petitioner applied for regularization of layout under L.R Scheme vide application dated 28.02.2016 and the same is pending with the respondents. While things stood thus, the respondent-authorities under the guise of removal/clearance of the NALA encroachments in the city are trying to demolish the structures and in the said process, the respondents made certain markings for the purpose of removing the same even without giving any prior notice to the petitioners. Questioning the said action of the respondents, the petitioners 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.

4. Following the same, this writ petition is disposed of with the following directions:

- “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.”

Till such order is communicated to the petitioners, the respondents shall not demolish any of the structures erected by the petitioners. However, this order will not preclude the respondents to demolish without notice such structures if there is an emergent situation.

No further constructions shall be made by the petitioners without obtaining permission from the GHMC.

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

CHALLA KODANDA RAM, J

Dated:26.10.2016

Note: Issue CC forthwith.

B/o.

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