

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.42356 of 2015

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Date: 04.01.2016

Between:

K.Bhavani Swamy

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Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Admn., and Urban Development
Hyderabad and 3 others

.. Respondents

**Counsel for the petitioner: Mr.K.Ravinder Reddy
for MAK.Mukheed**

**Counsel for respondent No.1: AGP for Municipal
Administration**

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The Court made the following:

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Order:

Aggrieved by the purported inaction of respondent Nos.2 and 3 in preventing respondent No.4 from raising the alleged illegal construction without sanctioned plan, the petitioner filed this Writ Petition.

On 29-12-2015, Mr.P.Kesava Rao, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC), took notice for respondent Nos.2 and 3 and requested for a short adjournment for obtaining instructions. Today, at the hearing, the learned Standing Counsel, on written instructions, submitted that as respondent No.4 was proceeding with the digging of pits for erection of columns on the ground floor in premises bearing No.1-1-782/B/3 of Gandhi Nagar, Hyderabad, a notice was issued under Section 461 of the GHMC Act, 1955 (for short 'the Act'), and that further action will be taken as per the said Act. The learned Standing Counsel further submitted that in view of the intervention by respondent Nos.2 and 3, respondent No.4 is not proceeding with the further

construction.

Mr.Kowturu Pavan Kumar, learned Counsel for respondent No.4, submitted that the petitioner is not the immediate neighbour to respondent No.4 and that therefore, she has no locus to file this Writ Petition. He has further submitted that as the site, on which his client is seeking to raise construction is less than 100 square meters in area, he is not liable to take permission as per G.O.Ms.No.423, dated 31-07-1998.

The learned Standing Counsel for GHMC has opposed the above submission and submitted that the aforesaid GO has been superseded by GO.Ms.No. 168, dated 07-04-2012; and that the Rules framed thereunder are in force, as per which, irrespective of the size of the plot, every owner shall obtain permission for raising construction.

This Court is not inclined to adjudicate whether the construction being raised by respondent No.4 is illegal or not, for, the grievance of the petitioner is that respondent Nos.2 and 3 have not been taking her complaint about the alleged illegal construction of respondent No.4

seriously. Inasmuch as the learned Standing Counsel has submitted that the notice under Section 461 of the Act was already issued to respondent No.4 and further steps will be taken in accordance with law to ensure that the latter does not raise any illegal constructions, the Writ Petition is disposed of with the direction to respondent Nos.2 to 3, to do the needful as assured by their Standing Counsel. It is needless to observe that if and when notices are issued to respondent No.4, he shall be free to defend the proposed construction as per law.

As a sequel to disposal of the Writ Petition, WPMP.No.54626 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 4th January, 2016
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