

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14315 OF 2013

ORDER:

The grievance of the petitioner is that he purchased open plot admeasuring 128.93 sq.yards vide plot bearing No.327 in LIG category in the Mushk Mahal Residential Complex in Survey Nos.337/8&9, 338, 348, 36, 63, 65 and 366, situated at Attapur Village, Rajendranagar Municipality, Ranga Reddy District from his vendor Sri Aluri Ramesh, S/o.Aluri Sreeramulu by way of registered document No.7411/2004, dated 13.09.2004, who purchased the same from his vendor vide Document No.5633/2004, dated 05.07.2004. From the date of purchase, the petitioner is in physical possession and enjoyment of the same without any hindrance. In pursuance of his purchase he filed an application on 18.09.2012 requesting the respondents 2 and 3 to permit him to construct Ground + First floor by enclosing necessary plans and the respondents 2 & 3 accorded permission vide permit No.16913/DC/SZ/CIR-6/2012, dated 22.09.2012 permitting the petitioner to construct ground and first floor after receiving the building permit fee, development charges, betterment charges along with other miscellaneous charges vide Challan Nos.548344, 548346, 548345, dated 18.09.2012 on condition that the petitioner should complete the construction on or before 21.09.2015. In pursuance of the aforesaid permission the petitioner started construction as

per the sanctioned plan and completed ground and first floor and also constructed second floor and two rooms above the second floor for the purpose of keeping waste material and also night watchman quarter. It is also stated that before laying the 2nd floor the petitioner approached the respondents on 11.02.2013, requesting them to permit him to construct second floor as it is very essential for his family which consists of nearly 15 members and the same is pending. It is further stated that when the officials of the 3rd respondent visited the premises of the petitioner on 03.05.2013 and directed the petitioner to pay charges under Sec.455 and 455A of Hyderabad Municipal Corporation Act, 1955, the petitioner requested them that he is ready to pay the charges which are applicable to his building for the second floor. Thereafter, again on 04.05.2013 the respondent officials came with staff and directed the petitioner to remove the second floor, otherwise they would come with equipment and damage the building. The petitioner once again requested them by way of written representation along with Demand Draft bearing No.026883, dated 03.05.2013 for Rs.10,000/- stating that he is ready to pay the balance penal charges if any, and he has valid plan for ground and first floor. But, the respondents without considering the same, granted one week time for removal of the second floor. Aggrieved by the same, present writ petition is filed.

This Court while admitting the writ petition granted interim stay on 09.05.2013.

Heard learned counsel for the petitioner and Sri N.Ashok Kumar, learned counsel appearing for the respondents.

Since it is stated that the application of the petitioner for regularization is pending before the respondent authorities, it is for them to consider the same in terms of the G.Os issued from time to time. In view of the same, without going into the merits of the case, the 2nd and 3rd respondents are directed to dispose of the application of the petitioner in accordance with law. Till then interim order granted by this Court on 09.05.2013 shall continue.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

26.10.2016
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