

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.10538 of 2012

ORDER:

1. The petitioner claims to be the absolute owner and possessor of 50.05 square yards of property in premises No.16-8-913/3/E, plot No.3, situated at Murkinala, Malakpet, Hyderabad, having purchased the same under a registered sale deed dated 15.06.2011 from one Syed Rafeeqe. The vendor purchased the same from the A.P. Housing Board under a registered sale deed dated 30.10.2001. At the time of purchase of the property, there was a building with ground floor. The petitioner wanted to construct the 1st and 2nd floor over the existing ground floor and she was made to understand that no specific permission is required for the said construction as per G.O.Ms.No.423 dated 31.07.1998 since the said plot was sold by public agency and the extent is only 50.05 square yards. She started construction of the first and second floors and when the second floor was at a finishing stage, on 20.03.2012, the officers of the 2nd respondent came and attempted to demolish the structures. When they wanted to demolish the further structures, she filed W.P.No.8377 of 2012 and the same was disposed of by this Court on 27.03.2012 and the respondents were directed to follow due process of law. After receipt of the said order, a notice was issued under Section 452 (1) of the GHMC Act on 28.03.2012 and the petitioner submitted a reply on 31.03.2012. When the 2nd respondent passed an

order on 09.04.2012 rejecting the said reply, the present writ petition was filed by the petitioner.

2. A counter-affidavit was filed by the respondents stating that the G.O.Ms.No.423 dated 31.07.1998 is not applicable to the instant case. It was further stated that the petitioner never approached the respondents seeking permission for construction of the ground, first and second floors. After noticing the unauthorized constructions, a notice was issued under Section 452 (1) and 461 (1) of the GHMC Act, 1955 on 22.03.2012. The petitioner submitted a reply on 31.03.2012 and also filed O.S.No.960 of 2012 and obtained interim orders in I.A.No.232 of 2012 on 17.04.2012.

3. Learned Counsel for the petitioner submits that an application was filed by the petitioner for regularization of the deviated/unauthorized constructions and the same is pending before the respondents. Now, the respondents have not passed any order of demolition of the structures, but they merely rejected the reply of the petitioner.

4. A Public Interest Litigation was filed before this Court challenging the scheme of regularization of unauthorized constructions and a Division Bench of this Court while keeping the said Writ Petition pending directed the respondents, Greater Hyderabad Municipal Corporation, to consider the pending applications and wherever the regularization orders cannot be considered allowed the respondents to pass appropriate orders rejecting the applications, but in respect of the applications which

can be considered for regularization were asked to be kept pending, pending further orders to be passed in the said Public Interest Litigation.

5. In view of the same, in the instant case also if the application of the petitioner is pending consideration, the same can be processed as per the directions of the Division Bench of this Court and appropriate action can be taken in accordance with the said directions. If no application of the petitioner is pending or if the application of the petitioner is rejected, it is open to the respondents to take appropriate action in accordance with law.

6. The Writ Petition is, accordingly, disposed of. No order as to costs. The Miscellaneous Petitions pending, if any, shall stand closed.



A.RAMALINGESWARA RAO, J

25-10-2016
Gsn