

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.29053 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Municipal Administration (Telangana), for respondents.

2. The petitioner has filed this Writ Petition aggrieved by the inaction of 1st respondent in disposing of the Revision filed by petitioner on 13.01.2016, challenging proceedings dt.06.01.2016 issued by 2nd respondent.

3. The counsel for petitioner contends that the said Revision was heard by 1st respondent on 22.02.2016, 02.03.2016 and 11.03.2016, but till date no order has been passed; and the petitioner has been informed that Revision will not be disposed of till the Strategic Road Development Programme (SRDP), proposed by respondents, comes into existence.

4. When the matter came up on 30.08.2016, the learned Government Pleader for 1st respondent was asked to get instructions as to the reason for delay in disposal of the Revision.

5. To-day, a letter dt.01.09.2016, addressed by the Special Chief Secretary, Municipal Administration and Urban Development, Telangana Secretariat, Hyderabad has been produced by the learned Government Pleader for 1st respondent stating the following :

“3. It is to inform that the petitioner’s site wherein he has proposed to construct a Commercial Complex is located at one of the major road junctions of Hyderabad city known as Nagarjuna Circle, Punjagutta. In this regard it is to inform that it has come to the notice of the Government that many new buildings are coming up at junctions without required splay and there is a need to operationalize free left at all important junctions by acquiring properties to facilitate free movement of vehicles and to address related traffic problems. Therefore, Government have decided to frame Special Regulations for the buildings at important junctions so that at the time of issuing building permission the land required for improvement of junction for free movement of vehicles can be taken over. In pursuance of the same Commissioner, GHMC has submitted draft Special Regulations for the buildings at important junctions and same are under consideration of the Government. Once the special regulations are finalized, the revision petition will be examined in light of the special regulations and same will be disposed as per rules. It is also a fact that incidentally the petitioner site is falling in the alignments of Strategic Road Development Programme (SRDP) proposed by the GHMC. Therefore, the contention of the writ petitioner that ‘the Revision Petition is not being disposed on the ground of proposed Strategic Road Development Programme (SRDP) is under consideration’ is not correct.

4. The above facts may kindly be brought to the notice of Hon’ble High Court with a prayer to grant time for disposal of Revision Petition filed by petitioner.”

6. A reading of the above instructions issued by 1st respondent to the learned Government Pleader for Municipal Administration indicates that for two reasons the Revision is not being disposed of, viz., (a) draft Special Regulations for buildings at important junctions submitted by 2nd respondent to 1st respondent are pending finalization; and (b) petitioner’s site is falling in alignment of Strategic Road

Development Programme (SRDP) proposed by Greater Hyderabad Municipal Corporation.

7. Once the hearing in the Revision petition filed by petitioner has been conducted on 22.02.2016, 02.03.2016 and 11.03.2016, it is incumbent on the 1st respondent to decide the Revision expeditiously and the 1st respondent cannot keep the same pending for more than six months on the pretext that the draft Special Regulations for buildings at important junctions submitted by 2nd respondent to 1st respondent is not yet finalized, or on the ground that petitioner's site is falling in the alignment of the Strategic Road Development Programme (SRDP), proposed by 2nd respondent.

8. Therefore, the 1st respondent is directed to dispose of the Revision preferred by petitioner within a period of four (04) weeks from to-day positively, and communicate his decision thereon to petitioner in accordance with law.

9. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-09-2016

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