

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.36354 & 36363 of 2012

COMMON ORDER

These two writ petitions are disposed of by this common order as they are filed by the same writ petitioners apprehending demolition of their house properties bearing Nos.3-114/1 & 3-119/A, situated at Chaitanyapuri, Dilsukhnagar, Hyderabad.

They challenged the notices dated 3.8.2012 issued under Sections 452 (1) & 461 (1) of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). The said notices were issued alleging deviation of the sanctioned plan with regard to unauthorized constructions in the above said premises.

In the column of "details of the deviations/unauthorized constructions", it is stated that "submitted the sanctioned plan and documents." In the notice, the respondents directed the petitioners to stop the work and appear before the 2nd respondent within three days or submit a reply within seven days.

It is the case of the petitioners that they obtained permission to construct the building and accordingly, constructed the same with deviations because of vastu. While so, the Government issued building penalization scheme *vide* G.O.Ms.No.901, dated 31.1.2007 and G.O.Ms.No.112 MA, dated 31.3.2008 and pursuant to the same, the petitioners submitted their applications and the deviations were regularized. It is their further case that after the orders of

regularization, no constructions were made and they are surprised to receive the impugned notices.

This Court by order dated 26.11.2012 directed the petitioners not to make any further constructions to the existing structures and the respondent/corporation shall not demolish any of the existing structures.

Even after four years, no counter-affidavit is filed by the respondents.

In the circumstances, since the notices were issued under Sections 452 (1) and 461 (1) of the Act, the petitioners are given liberty to submit their explanations to the first respondent, who shall consider the same in accordance with law and pass appropriate orders, if there are any deviations or unauthorized constructions.

Accordingly, both the writ petitions are disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

1st November, 2016
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