

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

**WRIT PETITION Nos.34004, 33838, 31716, 33857, 31215, 30932,
31640, 32707, 31485, 30128, 30634, 32256,
33856 and 29752 of 2012**

COMMON ORDER:

1. All these Writ Petitions are being disposed of by this common order as the grievance of the petitioners in all these Writ Petitions is common.
2. This Court, while issuing notice on admission on 31.10.2012, granted an order of *status quo* to be maintained in respect of the structures claimed by the petitioners and thereafter a detailed order was passed on 28.02.2013 as follows:

“All this batch of cases can be dealt with together as a common ground is urged by all the petitioners. The Greater Hyderabad Municipal Corporation (GHMC) has not bother to serve the notice, which is so essentially required to be served in terms of Sections 452 (1) r/w 461 (1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short ‘the GHMC Act’) on the petitioners, but instead proceeded further in the matter by passing the impugned orders.

It is imperative for GHMC to put the petitioners on notice in terms of Sections 452 (1) r/w 461 (1) of the GHMC Act. It was also imperative for GHMC to hear the objections raised by the respective owners/occupants of the buildings concerned and after due consideration of the objections must decide as to the desirability of demolishing the structures, but not otherwise.

Sri Nagesh Bheemapaka, learned Standing Counsel for GHMC, would point out that as and when the staff of GHMC make an attempt to serve the notices, they are either successfully evaded from receiving or deliberately someone-else will put the signature acknowledging the receipt of the notice, whereas the true owner rushes to this Court and makes a complaint against GHMC that it has not even bother to serve notice.

When an unauthorized construction has been carried on perhaps GHMC will find it extremely difficult to know who exactly is carrying on such unauthorized/illegal construction. In such circumstances, serving the notices might become slightly difficult. But, however, fortunately, all the learned Counsel for the petitioners have agreed, in principle, to receive the notices prepared by GHMC under Sections 452 (1) r/w 461 (1) of the GHMC Act and accepted the said notices on behalf of their respective clients. I appreciate the good gesture shown by the learned Counsel for the petitioners.

Hence, all I need to do is to provide 15 days time to the respective petitioners i.e., to enable them to lodge their explanations on or before 16.03.2013 with GHMC. To avoid any further controversy, the petitioners would furnish their correct address and deliver one set of their reply by registered post also to GHMC. Thereafter, 15 days time is granted to GHMC to consider each one of the applications/representations submitted by the petitioners and take an appropriate decision in the matter and communicate the decision through registered post to the address furnished by the

respective petitioners/applicants. Thereafter, only appropriate action be initiated, but not until then.

Till a final decision is taken by GHMC, the petitioners shall not indulge in making any further constructions or improvements to the existing structures, including attending to internal developments. At the same time, the Officials of GHMC will not deal with the structures in any manner till a final decision is taken and communicate to the respective petitioners.

It is also needless for me to observe that in case any of the petitioners seek a reasonable span of time, say three months, GHMC would be considerate enough to accord the respective petitioners such span of time for relocating themselves."

3. In view of the aforesaid detailed interim order passed by this Court on 28.02.2013 and in the absence of any counter-affidavit filed by the respondents, no further orders are necessary in all these writ petitions.

4. All these Writ Petitions are accordingly disposed of in terms of the aforesaid interim order. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J