

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 18647 of 2012

Order:

The petitioner states that he is the absolute owner and possessor of the land of an extent of 855 sq. yards situated near Gareeb Nagar colony, Vikarabad, Ranga Reddy District, having purchased the same under a registered sale deed. He constructed a permanent building after obtaining permission from Vikarabad Municipality on 12.09.2011. The permission was for construction of stilt + Ground + 3 upper floors. When the construction work was in progress, the respondent along with their staff came on 19.06.2012 and threatened to demolish the constructed area. In those circumstances, the present Writ Petition was filed.

Now, a counter affidavit is filed stating that the petitioner constructed the building deviating the sanctioned plan issued on 12.09.2011. After noticing the same, the Municipality issued a provisional order and also passed orders confirming the same. Even after issuance of notice the petitioner started unauthorized construction of 4<sup>th</sup> floor over existing 3<sup>rd</sup> floor without approval, as such the work was stopped by issuing notices.

Now, it is the admitted case of the petitioner that he constructed 4<sup>th</sup> floor, but filed an application seeking regularization of such construction on 15.12.2015 in File No.75 dated 05.01.2016 under building regularization scheme.

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.

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 respondent Municipality to take appropriate action in accordance with law.

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

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A. RAMALINGESWARA RAO, J

Date: 11.11.2016  
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