

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.1024 of 2016

Dated 07th January, 2016

Between:

Syed Akther and another

...Petitioners

And

The State of Telangana, rep.by its Principal Secretary to Government,
Municipal Administration & Urban Development Department,
Secretariat Buildings, Hyderabad and others

...Respondents

Counsel for the petitioners: Sri T.Sudhakar Reddy

**Counsel for respondent No.1: GP for Municipal Administration
(TS)**

The Court made the following:

ORDER:

The petitioners, who have raised a huge structure of about 10,000 sq.ft., without permission and been running an automobile showroom therein, have been litigating in a desperate bid to somehow save the illegal structure from demolition.

Questioning an order made under Section 452(2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') by the Greater Hyderabad Municipal Corporation (for short 'the Corporation'), the petitioners filed W.P.No.21681 of 2012. The only ground raised in that writ petition was that before the said order was passed, notice under Section 452(1) of the Act was not issued. A counter affidavit was filed by the Corporation in the said writ petition, wherein it was stated that a notice was issued prior to the passing of the order under

Section 452(2) of the Act and that as no explanation was filed by the petitioner to the said notice, the latter order was passed. This Court has, however, found that the Corporation has not filed acknowledgements of the notice issued under Section 452(1) of the Act and it has disposed of the said writ petition with the direction to treat the order passed under Section 452(2) of the Act as notice and permitted the petitioners to submit their explanation within six weeks. The Corporation was directed to consider the explanation, if any, and pass appropriate order. This Court further observed that if the petitioners fail to file any explanation within six weeks, it is open to the Corporation to take appropriate action as per law.

In the affidavit filed in support of the present writ petition, the petitioners have categorically averred that after the disposal of the previous writ petition, they could not submit their explanation due to some personal problems and that they have, however, made an application for regularisation of the illegal constructions in terms of G.O.Ms.Nos.151 and 152, dated 02.11.2015. They have further averred that respondent No.3 has issued notice under Section 636 of the Act on 29.12.2015 directing them to remove the unauthorised constructions within 24 hours, failing which, respondent No.2 will remove the same.

The facts as admitted above would clearly show that though this Court has shown its indulgence by interfering with the order passed by the Corporation under Section 452(2) of the Act and granting six weeks time to the petitioners to submit their explanation, on the petitioners' own showing, no such explanation has been submitted by them. Therefore, respondent Nos.2 and 3 were left with no option other than confirming the notice issued under Section 452(1) of the Act and issued a notice under Section 636 of the Act for removal of the admitted illegal construction. The petitioners cannot once again seek the indulgence of this Court by raising the bogie that after the disposal of the previous writ petition they have applied for regularisation. The

petitioners, who have no respect for law and raised massive constructions without permission, are not entitled to any further indulgence of this Court.

Hence, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WP.M.P.No.1254 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th January, 2016
VGB