

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.36242 OF 2016

ORDER:

Heard learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for Respondents 2 and 3.

Petitioner is an Association formed to look after the maintenance and welfare of the apartment viz. Sri Nymisha Homes. The case of the petitioner is that in pursuance of the development agreement-cum-GPA, the developer has constructed the apartment in Survey Nos. 81, 82, 84 and 85 at Madeenaguda Village, Serilingampally Mandal, Ranga Reddy District, as per the approved plan and after obtaining necessary permission. As the site is stated to be near *nala*, as per the alignment and design suggested by the irrigation department, they have constructed a water channel.

While so, on 03.10.2016 and 07.10.2016, the officials of Respondents 2 and 3 have visited the premises and orally informed that the existing *nala* has to be expanded for free flow of rain water and thus saying, made markings to demolish the portion of the apartment adjacent to the existing *nala*, without issuing any notice. Questioning the said action of the respondents, the petitioner has approached this court by way of this Writ Petition.

Learned counsel appearing for the parties fairly submit that the issue involved in this Writ Petition is akin to the one raised in

Writ Petition No. 34149 of 2016 and batch of cases, wherein, this Court, by order dated 30.09.2016 passed the interim order, the operative portion of which reads as under:

- “i. issue notices to all persons/firms/companies who are suspected or alleged to have constructed buildings or structures on *nalas* or tank beds;
- ii. disclose the material available with the respondent authorities along with such notices that the constructions are in locations warranting demolition;
- iii. give two weeks time from the date of receipt of such notice to the persons/firms/Corporations who are alleged to have built the said structures or tank beds/*nalas* to respond to such notices or vacate the said premises; and
- iv. then pass a reasoned order why the demolition is justified.”

In the light of the guidelines framed by this Court in the above said order, the respondent-Corporation shall issue notice to the petitioner and call for explanation, by providing reasonable time to submit the explanation. After submitting the explanation, the respondent-authorities, shall consider the same and pass appropriate orders and if really there are any violations as per the sanctioned plan, the respondent-Corporation may take action in accordance with law. However, no further constructions shall be made by the petitioner without obtaining permission from Greater Hyderabad Municipal Corporation.

Subject to the above, the Writ Petition stands disposed of.

No costs.

Consequently, the miscellaneous Applications, if any, shall also stand disposed of.

CHALLA KODANDA RAM, J

26th October 2016

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