

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44492 OF 2016

DATED : 28.12.2016

Between :

P.Mallaiah, S/o.late P.Pochaiah,
Aged 64 yrs, Occu : Retired employee,
R/o.LIG 95, Bharathi Nagar,
Ramachandrapuram, Hyderabad-502032.

..
Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & others.

..
Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.44492 OF 2016****ORDER :**

Heard. With the consent of both the counsel the Writ Petition is disposed of, at the admission stage.

2. Petitioner alleges that respondents 4 and 5 are undertaking illegal constructions in the neighbouring land in violation of the Rules formulated and notified by the Government in G.O.Ms.No.168, dated 07.04.2012.

3. The grievance of the petitioner is that respondents 4 and 5 have obtained independent building permission and undertaking constructions without observing set backs.

4. On behalf of respondents 4 and 5, counter affidavit is filed. It is specifically averred that respondents 4 and 5 have obtained separate building permissions and each of them have less than 100 Square yards of plot and after obtaining permissions, constructions are being made.

5. Learned counsel for respondents 4 and 5 contended that if the building is constructed in less than 100 Square yards and construction height is 7 metres or less, there is no requirement to observe the set back norms.

6. According to the Rules notified in G.O.Ms.No.168, if a person undertakes construction of plot having size of less than 100 Square yards with height of the building of 7 metres or below 7 metres, he need not observe any set back norms. Though it is

averred in the counter, the original copies of the building permission is not filed.

7. Learned counsel for respondents 4 and 5 produced a copy of the building plan which was also perused by learned counsel for the petitioner. The building plan clearly shows that permission was obtained for construction of buildings with height of 6.5 metres.

8. Since the respondents 4 and 5 are undertaking construction of buildings on a plot of less than 100 Square yards and height of less than 7 metres, they need not observe the set back norms. There is no merit in the contention urged by the petitioner, and the writ petition is liable to be dismissed.

9. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

28th December, 2016
Rds

P.NAVEEN RAO,J