

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.37855 OF 2016**

**DATED : 07.11.2016**

Between :

Smt Bethi Sucharitha W/o.B. Raja Reddy,  
Aged 36 yrs, Occu : Housewife,  
R/o.Flat No.103, Plot No.556 and 575,  
Comfort Center, Pragathi Nagar, Hyderabad.

..

Petitioner

And

The State of Telangana,  
rep., by its Principal Secretary,  
Municipal Administration Department,  
Secretariat, Lower Tankbund, Hyderabad & others.

..

Respondents



This court made the following :

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO****WRIT PETITION No.37855 of 2016****ORDER :**

Petitioner alleges that on 02.11.2016 the officials of Grampanchayat-Pragathinagar (5<sup>th</sup> respondent) visited the premises to demolish parapet wall of the additional floor. According to learned counsel for the petitioner, no prior notice or opportunity was afforded to the petitioner before undertaking the exercise of demolition.

2. Learned Standing counsel produced copies of proceedings dated 02.09.2016 and 16.10.2016. He would submit that notices were served on the person by name Appanna who was the watchman of the petitioner, and only after service of notice, the proposal to demolish the illegal construction is pursued. He would further submit that against the permission for ground + two floors, petitioner constructed stilt floor, additional floor and pent house over and above permission granted which are illegal and are liable to be demolished.

3. Learned Standing counsel representing Hyderabad Metropolitan Development Authority, would submit that any building constructed beyond ground+ two floors requires approval from the HMDA and no such approval was obtained by the petitioner.

4. A perusal of the notice produced before this Court, would only contain the name "Appanna" and it does not contain the date of acknowledgement of said notice and the details of the person.

Thus, it can not be said with certainty that notice was served on petitioner. Therefore, they cannot straight away demolish the construction.

5. Having regard to the peculiar facts of this case, the writ petition is disposed of with the following directions :

Learned Standing counsel is directed to serve copies of notices dated 02.09.2016 and 16.10.2016 on the counsel for the petitioner. The said notice is deemed to be served on the petitioner. The petitioner shall file her explanation within a period of one week from today. On filing of such explanation the 5<sup>th</sup> respondent shall consider the same and take a decision as warranted by law, within a period of one week thereafter. The petitioner is not entitled to any further time and if no explanation is filed within one week from today, it is open to the 5<sup>th</sup> respondent to take coercive action as warranted by law. Till the decision is taken as directed above, the 5<sup>th</sup> respondent shall not take any coercive action against the petitioner. The petitioner is also directed not to undertake any activity on the subject premises till the issue is decided by the 5<sup>th</sup> respondent.

It is made clear that I am not going into the merits of the rival contentions and all issues are left open. There shall be no order as to costs.

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

**P.NAVEEN RAO,J**

7<sup>th</sup> November, 2016

Note : Issue C.C., in two (2) days.

B/o.  
Rds

