

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 13776 of 2012

Order:

The petitioner claims to be the owner and possessor of house bearing No.7-1-302/45/4/15, situated in BK Guda, SR Nagar, Hyderabad, having purchased the same under a registered sale deed dated 20.05.1994. When the respondents issued a notice on 01.08.2010 alleging constructions in deviation to the sanctioned plan, the petitioner submitted an explanation on 17.08.2010 and without considering the same when the respondents were trying to demolish a portion of the building on the ground that it was unauthorized, the petitioner approached this Court in W.P.No.21151 of 2010. The said Writ Petition was disposed of on 27.08.2010 directing the respondents to consider the representation/explanation of the petitioner dated 17.08.2010 and pass appropriate orders in accordance with law on or before 03.09.2010. After considering the explanation submitted by the petitioner another show cause notice was issued on 28.09.2010 under Section 452 of the Municipal Corporation of Hyderabad Act, 1955 followed by another notice under Section 636 of the Act on 28.03.2012. Challenging the said order dated 28.03.2012, the present Writ Petition was filed.

A reading of the impugned order shows that the officers of the Greater Hyderabad Municipal Corporation came to notice the constructions being carried out by the petitioner without maintaining the required set backs and in violation of the sanctioned plan in permit No.7/75 dated 28.04.2010. The deviations were brought to the notice of the petitioner by a show cause notice dated 28.09.2010 and in spite of the same the petitioner was going ahead with the constructions. In those

circumstances only the impugned order was passed on 28.03.2012. Learned counsel for the petitioner submits that an application was filed by the petitioner for regularization of the deviated/unauthorized constructions on 05.12.2015 and the same is pending before the respondents.

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 respondents 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.

A. RAMALINGESWARA RAO, J

Date: 25.10.2016
Nsr