

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39467 OF 2016

DATED : 16.11.2016

Between :

Pasham Shanker Reddy s/o.late Malla Reddy,
Aged: 61 years, Occupation: Business,
R/o.Flat No.401, Block-III, SMR Vinay Acropolis,
White Field, Kondapur, Serilingampally Mandal,
Ranga Reddy District.

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Petitioner

And

The Greater Hyderabad Municipal Corporation,
Rep. through its Commissioner,
Tank Bund, Hyderabad and others.

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Respondents



This court made the following :

HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.39467 of 2016****ORDER :**

Having undertook construction in deviation to sanctioned plan, taking advantage of the scheme formulated by the Government for regularization of unauthorized constructions, an application is filed by the petitioner for penalizing and granting regularization and the said application was rejected by the impugned order dated 18.10.2016 on the ground that public interest litigation (PIL) is pending before this Court and the petitioner was directed to remove the unauthorized constructions in exercise of power under Section 636 of HMC Act.

When the matter is called, learned counsel for the petitioner placed the order dated 18.10.2016 of the Division Bench of this Court passed in Writ Petition Nos.5130 of 2016 and batch.

Learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) would also submit that the issue is covered by the above said decision.

The Division Bench passed the following order:

“In case the petitioners have submitted applications for regularization on or before 01.03.2016, the respondent Municipal Corporation shall not take coercive steps to demolish the illegal structures raised by them till orders are passed on their applications for regularization, and the said orders are communicated to them. It is open to the Municipal Corporations, in such of those cases where the applications for regularization

are rejected, to initiate action for demolishing the subject structures in accordance with the provisions of the GHMC Act, and the Rules and bylaws made thereunder. It is made clear that, in such of those cases where applications seeking regularization, have not been submitted before 01.03.2016, it is open to the Municipal Corporations concerned to take action, for demolition of the illegal structures, in accordance with law”.

In view of the directions of the Division Bench, the order impugned in this writ petition is set aside and the respondent-GHMC is directed to consider the building regularization application strictly in accordance with law and as per the directions issued by the Division Bench of this Court and subject to fulfillment of all other conditions of regularization as per the Scheme. It is made clear that till his application is considered no further constructions shall be made by the petitioner.

Accordingly, this writ petition is allowed.

As a sequel, miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

P. NAVEEN RAO, J

16th November 2016.

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