

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.14296 of 2012

ORDER:

1. The petitioner constructed ground + first floor in the land of less than 100 square meters as no permission was required under G.O.Ms.No.423 M.A. & U.D. (M1) Department dated 31.07.1998 as amended in G.O.Ms.No.670 dated 06.09.2007 and G.O.Ms.No.738 M.A. & U.D. (M1) Department dated 03.10.2007. No notice was issued to the petitioner. But, when an order was passed under Section 636 of the HMC Act, 1955 stating that no reply was given to the show cause notice dated 30.04.2012, which was served on the husband of the petitioner, the present writ petition was filed.

2. This Court by order dated 16.05.2012 granted interim stay and the said order is in operation as on today. No counter-affidavit is filed by the respondents till today.

3. A perusal of the impugned order dated 08.05.2012 issued under Section 636 of the HMC Act 1955 shows that the unauthorized construction was stated to be the erection of RCC frame, structure of ground and first floor without any prior permission from the GHMC and also violating the all round open space required as per the provisions of G.O.Ms.No.168 dated 07.04.2012.

4. The learned Counsel for the petitioner submits that since the land owned and possessed by the petitioner is 58.00 square yards,

no permission is required. The said aspect of the matter was not taken into consideration by the respondents.

5. In view of the same, the impugned notice dated 08.05.2012 is directed to be treated as a notice under Section 452 of the HMC Act and the petitioner is given liberty to submit his explanation within a period of fifteen days from the date of receipt of a copy of this order and on receipt of the same, the respondents shall consider the explanation and pass appropriate orders thereon in accordance with law. Till such time, no action shall be taken by the respondents in respect of the property owned by the petitioner in the place of old house bearing Municipal No.16-11-693 and 694/1 admeasuring 58.00 square yards situated at Gaddiannaram, Hyderabad.

6. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

25-10-2016

Gsn