

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43782 of 2016

Date: 19.12.2016

Between:

Biragoni Srinivas S/o B.Bikshapathi,
Aged about 35 years, permanent resident
Of H.No.2-108-3/11, Maruthi Nagar,
Near Hanuman Temple, Boduppal,
Ranga Reddy dist, rep.by its GPA Holder,
Smt. B.Sowjanya and another.

.....Petitioners

and

State of Telangana, rep.by its Secretary,
Department Municipal Administration,
Secretariat, Hyderabad and others.

....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioners are aggrieved by the notice under Sections 452(1) & 461 (1) of Hyderabad Municipal Corporation Act, 1955 (for short, HMC Act, 1995), dated 01.07.2016, notice under Section 452 (2) of HMC Act, dated 26.07.2016 and notice under Section 636 of HMC Act, 1955 dated 06.08.2016. Petitioners contend that as a consequence to the establishment of scheme of building regularization, petitioners have submitted application for grant of regularization of unauthorized construction on 30.01.2016 and the said application is pending consideration and, therefore, without deciding the application for regularization, no coercive action can be taken.

2. In support of the said contention, learned counsel for petitioners placed reliance on the common order of Division Bench of this Court in W.P.No.5130 of 2016 and batch dated 17.10.2016.

The Division Bench of this Court passed the following order:

“In case the petitioners have submitted applications for regularisation 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 regularisation, and the said orders are communicated to them. It is open to the Municipal Corporations, in such of those cases where the applications for regularisation 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 regularisation, 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.

3. Learned standing counsel does not dispute the fact that application submitted by the petitioners on 30.01.2016 is pending for consideration.

4. In view of the earlier orders passed by the Division Bench of this Court, this writ petition is disposed of, directing the respondent-Municipal Corporation not to take coercive steps to demolish the illegal structures raised by the petitioners till orders are passed on the application of the petitioners for regularization and the said orders are communicated to the petitioners. It is open to the respondent-Municipal Corporation to take appropriate action for demolition of the said structures in accordance with the provisions of GHMC Act if the application for regularization is rejected.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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