

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.13840 & 30744 OF 2016

DATED : 27.12.2016

Between :

G.Venkata Somaraju S/o.Satynarayana Raju,
Aged about 42 yrs, Occu : Business,
R/o.H.No.1-60-34/1, Anjaiah Nagar,
Gachibowli, Serlingampally Mandal,
Ranga Reddy District.

..

Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Department,
Secretariat, Lower Tank Bund, Hyderabad & others.

.. Respondents

W.P.No.30744 of 2016

Between :

Raju S/o.Parameswara Rao,
Aged about 41 yrs, Occu : Business,
Gachibowli, Serlingampally Mandal,
Ranga Reddy District.

..

Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Department,
Secretariat, Lower Tank Bund, Hyderabad & others.

..

Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.13840 & 30744 OF 2016

COMMON ORDER :

These writ petitions are filed praying to declare the inaction of the respondents 3 and 4 in taking action on the illegal construction of ground plus 3 upper floors made in the encroached government land by the 5th respondent to an extent of 200 square yards in Sy.No.136, Gachibowli, Ranga Reddy District, as illegal arbitrary and consequently to direct the respondents 2 to 4 to bring down the constructions made without obtaining permission in land to an extent of 200 square yards in Sy.No.136 of Gachibowli village, Serlingampaly Mandal, Ranga Reddy District.

2. In these two writ petitions, petitioners challenge that the 5th respondent has made illegal constructions by encroaching on the Government land and no action is taken by the respondent-Corporation.

3. Learned Standing counsel, on instructions, submits that the 5th respondent submitted application for regularization of the alleged illegal constructions made and the said regularization application is pending consideration.

4. Learned counsel for the petitioners, submit that it would not be possible for the Corporation to regularize, if the 5th respondent has encroached on to the Government land and made constructions. Even this matter requires consideration by the authority after duly putting on notice the 5th respondent.

5. However, with reference to the action to be taken on unauthorised constructions made, the Division Bench of this Court, by duly taking note of the scheme of Regularization launched by the Government in G.O.Ms.No.152, dated 02.11.2015, passed order on 18.10.2016 in W.P.No.5130 of 2016 & Batch, which reads as under :

“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.”

6. In view of the order of the Division Bench, no direction as sought for, by the petitioners can be granted at this stage, since the regularization application is pending.

7. Following the order of the Division Bench, the respondent-Municipal Corporation is directed to consider the regularization application submitted by 5th respondent as expeditiously as possible, preferably within a period of six (6) weeks, from the date of receipt of copy of this order. After considering the regularization application of the 5th respondent, appropriate action shall be taken on the allegation of illegal constructions made by the 5th respondent, by following the due process of law.

8. With the above observations, the Writ Petitions are disposed of. There shall be no order as to costs.

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

27th December, 2016
Rds

P.NAVEEN RAO,J

