

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.21731 OF 2016**

**ORDER:**

Petitioner claims to be the absolute owner of plot No.160-A admeasuring 630 square yards and plot No.160-B admeasuring 232 square yards in survey Nos.113/1 and 2, Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, respectively.

2. The petitioner intended to undertake construction of multi-storeyed building even without applying for building permission. The petitioner seems to have constructed ground plus four upper floors. Though the said construction was blatantly illegal, taking advantage of the scheme formulated by the Government in G.O.Ms.No.152, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015, the petitioner submitted an application for regularization of unauthorized construction on 21.01.2016. Alleging that during pendency of his application for regularization, the respondent authorities are seeking to demolish the construction made by the petitioner, this writ petition is filed.

3. When the matter is taken up for hearing, learned counsel for the petitioner placed before this Court a copy of order passed by the Division Bench of this Court in W.P.No.5130 of 2016 and Batch, dated 18.10.2016 and the operative portion of the said order reads as follows:

“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.”

Following the said order, this Writ Petition is also disposed of as under:

Pending consideration of the regularization application, and communication of the orders, stated to have been filed by the petitioner on 21.01.2016, if not considered so far, the respondent authorities are directed not to take any coercive steps to demolish the illegal structures. It is open to the municipal corporation, in case the application for regularization is rejected, to initiate action for demolition of structures in accordance with the provisions of the Greater Hyderabad Municipal Corporation Act and the Rules and bylaws made thereunder. As the subject building was constructed without building permission, the petitioner is further directed not to create third party interest/alienate the residential apartments till consideration of the regularization application and final orders are passed, if not already inducted.

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

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**JUSTICE P. NAVEEN RAO**

**DECEMBER 02, 2016**  
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**Date:02.12.2016**

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