

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38204 OF 2016

DATED : 07.11.2016

Between :

Welfare Association of Raintree Park,
(Regd.No.312/2009) rep., by its
President K.R.K.Prasad S/o.Late K.S.Murthy Sharma,
Aged about 72 yrs, R/o.Flat No.705, n
23rd block, Raintree Park, KPHB Colony,
Hyderabad.

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Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.38204 of 2016****ORDER :**

Petitioner challenges the notice dated 01.11.2016 issued by the 3rd respondent for removal of unauthorized erection of lift and shed.

2. It is not in dispute that petitioner made civil construction for establishment of lift and lift is erected. Petitioner also constructed a shed. It is also not in dispute that no prior permission was obtained before undertaking such construction. Only a representation seem to have been made on 02.07.2016 seeking permission for construction for erection of lift outside the club house-1. Even this representation does not mention construction of shed.

3. Any construction including additional provisions requires prior permission and such permission has to be in proper form with fee paid as prescribed. Admittedly no such permission was obtained. Thus, I do not see any illegality in the notice issued against the petitioner.

4. However, at this stage, learned counsel for the petitioner would fairly submit that within one week, the shed will be removed and petitioner would submit a formal application along with requisite fee, seeking permission for erection of lift and the lift will not be operated till appropriate decision is communicated to the petitioner by the competent authority of GHMC.

5. Learned counsel for the respondent-Corporation, fairly submits that since no permission was obtained, some kind of penalty may be imposed on the petitioner for illegal constructions made.

6. Having regard to the facts of the case, the writ petition is disposed of granting liberty to the petitioner to submit an application in proper form seeking permission for erection of electrical lift on payment of requisite fee. Since without obtaining permission, civil construction was made and lift was already put up, petitioner shall pay an amount of Rs.20,000/- as penalty in addition to the requisite fee prescribed, within a period of one week from the date of receipt of copy of this order. The petitioner is also permitted to remove the illegal shed constructed within one week from today. It is open to the competent authority to consider the application to grant permission to erect lift and pass appropriate order. If no such application is made and if the illegal construction already made is not removed within the time granted, it is open to the respondent-Corporation to give effect to the notice issued on 01.11.2016 without affording further opportunity. There shall be no order as to costs.

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

P.NAVEEN RAO,J

7th November, 2016

Note : Issue C.C., in two (2) days.

B/o.
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