

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 40171 OF 2016

Between:

Ch. Sudhakara Raju S/o Purnachandra Raju aged about 45 years,
Occ. Business.

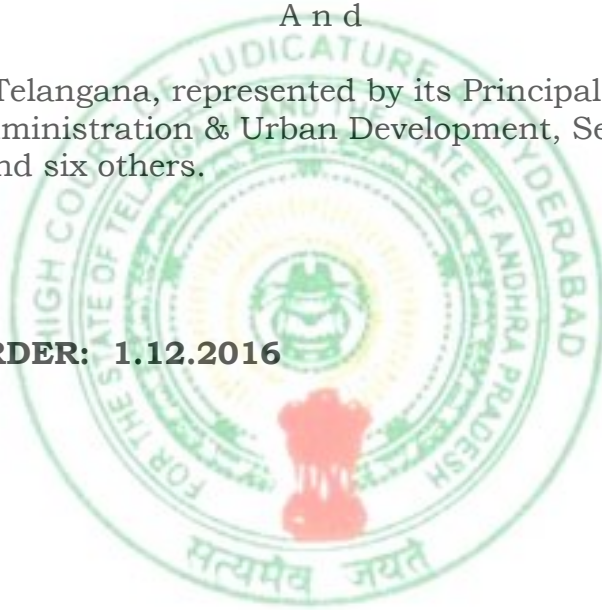
....Petitioner

A n d

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

....Respondents

DATE OF ORDER: 1.12.2016



HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION NO. 40171 OF 2016****ORDER:**

Heard both sides and with their consent this Writ Petition is taken up for disposal at the stage of admission.

Petitioner is one of the Flat owners of Jyothi Maddula Apartments, Plot No. 99, Nandagiri Hills, Hyderabad. Petitioner alleges that in violation of the sanctioned plan, the builder and the owners-respondents 6 & 7 respectively constructed pent house depriving the petitioner's access to terrace, whereas as originally agreed upon all the Flat Owners were given right to use terrace. Alleging inaction on the part of the respondent-Corporation in taking action against the illegal construction made by respondents 6 & 7, this Writ Petition is filed.

When the matter is taken up for hearing, learned Standing Counsel produced the original record and stated that 7th respondent has applied for regularization of the illegal pent house constructed on her property and said regularization application is still pending.

Learned Counsel appearing for 7th respondent submits that the 7th respondent is the owner of the property under which the building was constructed and as per the development agreement the pent house is fallen to her share and she is in possession of the same.

Since the building regularization application is pending consideration before the Municipal Corporation, no direction as sought for can be issued at this stage. It is open to the petitioner to file objections on the claim of the 7th respondent for grant of regularization of unauthorized constructions made, if necessary, by raising additional grounds, within a period of two weeks.

In order to protect interest of the rival claims, I direct the respondent Municipal Corporation that while processing the application of the 7th respondent for regularization of unauthorized construction, it should duly take note off the objections filed by the petitioner and only after considering the said objections, an appropriate decision shall be taken in accordance with law. In the event of respondent Municipal Corporation declining to grant regularization as requested by the 7th respondent, the respondent Municipal Corporation is also directed to take due note of directions issued by the Division Bench of this Court in W.P.No. 5130 of 2016 and batch dated 18.10.2016, operative portion of the order reads as under:

“In case the petitioners have submitted applications for regularization on or before 1.3.2016, 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 1.3.2016, it is open to the Municipal

Corporations concerned to take action, for demolition of the illegal structures, in accordance with law.”

Accordingly, the Writ Petition is disposed of. It is made clear that there is no expression of opinion on merits. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 01.12.2016
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