

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No. 1024 of 2017

And

Writ Petition No. 234 of 2015

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal (W.A. No. 1024 of 2017), under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.V.M.P. No. 2893 of 2017 in W.P.M.P. No. 249 of 2015 in W.P. No. 234 of 2015 dated 12.7.2017 vacating the earlier interim order passed in W.P.M.P. No. 249 of 2015 dated 16.4.2015.

W.P.M.P. No. 249 of 2015 was filed by the appellants-writ petitioners to direct the respondents not to demolish the appellants' houses in D. Nos. 20-5-95/B and 20-5-95/A, Sanjay Gandhi Colony, Tirupathi Urban Mandal, pending disposal of the writ petition. While the interim order of stay was granted to the appellants-writ petitioners on 16.4.2015, the said order was vacated by the order under appeal.

The submission of Sri Kiran Tirumalasetti, learned counsel for the appellants, that the learned Single Judge has not assigned any reasons while vacating the interim order, cannot be said to be without merit. The fact, however, remains that the dispute in the writ petition relates to the appellants-writ petitioners' having constructed their houses covering the entire extent of the road in Survey No. 17.

Both the learned Government Pleader for Revenue, and Sri S.D. Gowd, learned Standing Counsel for the Tirupathi Municipal Corporation, would contend that, while the appellants-writ petitioners were allotted 79 square yards of house site in Survey No. 12 and were granted permission to construct a 200 square feet house, the 1st appellant had constructed a building of an extent of 636 square feet, and the 2nd appellant of 1100 square feet including the entire extent of the road in Survey No.17.

The order under challenge in the writ petition is the notice issued under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). We consider it appropriate, therefore, to direct that the notice, under Section 636 of the Act, shall be treated as a show cause notice to which the appellants-writ petitioners shall submit their reply within two weeks from today. The Tirupathi Municipal Corporation shall, after considering the appellants-writ petitioners' reply to the show cause notice, take necessary action in accordance with the provisions of the Act. It is made clear that, as long as the assignment pattas granted in favour of the appellants-writ petitioners are valid, the building constructed by them over the house sites in Survey No.12 to an extent of 200 square feet each, shall not be demolished. It is open to the 2nd respondent-Municipal Corporation, after taking into consideration the objections filed by the appellants-writ petitioners, to take action for demolition of the remaining extent of land, including the extent over which the appellants-writ petitioners are said to have constructed their houses over the road in Survey No.17.

The writ appeal is accordingly disposed of.

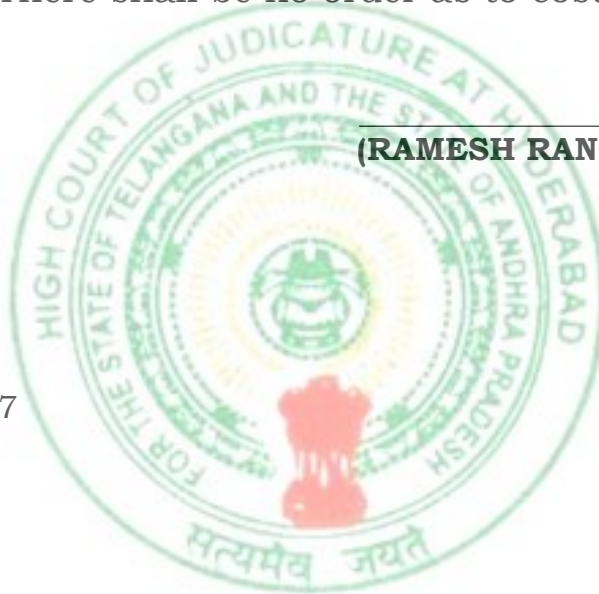
Sri Kiran Tirumala Setti, learned counsel for the writ petitioners, learned Government Pleader for Revenue, Sri S.D. Gowd, learned Standing Counsel for the Tirupathi Municipal Corporation, and Sri M. Janardhana Rao, learned Counsel for the 5th respondent, agree that, in view of the order now passed by this Court in W.A. No. 1024 of 2017, the cause in W.P. No. 234 of 2015 does not survive. W.P. No. 234 of 2015 is, accordingly, closed. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

9th August, 2017

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Date: 09.08.2017

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