

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22989 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in demolishing part of the petitioner's shop constructed in land admeasuring 30 square yards (out of 200 square yards) bearing H.No.4-238, Plot No.34/ A, Venkateswhwara Nagar Colony, Old Safilguda, Malkajgiri Circle and Mandal, Medchal District, without issuing notice and not giving any opportunity of being heard the petitioner, as illegal and arbitrary, and consequently, direct the respondents not to demolish further structures of the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that he entered into an agreement of sale cum GPA with the owner of land of an extent of 200 square yards and obtained permission for construction of G+1 floor building in an extent of 167.23 square yards in the capacity of GPA holder of the original owner of the property. Thereafter, due to financial crisis the petitioner sold away an extent of 170 square yards to another person, and constructed a shop in the remaining 30 square yards of land, which is in violation of the permission granted in his favour. Therefore, the respondent authorities demolished the part of the structures by removing the rolling shutters of shop.

The grievance of the petitioner is that the respondent authorities have demolished and removed the shutters erected by the petitioner, which is constructed in violation of the sanctioned permission, and apprehends that the respondent authorities may demolish the remaining

portion of the construction also, as they are threatening to demolish the same.

Learned Standing Counsel for the respondents 2 to 4 submitted that the respondents are concerned only with the construction which was constructed by deviating the sanctioned permission and accordingly, they have demolished the said unauthorized portion, and they are not intending to take any further action to demolish the remaining portion of the building.

Recording the submissions of the learned Standing Counsel for respondents 2 to 4, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

July 12, 2017
KTL



RAJA ELANGO, J