

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21845 OF 2017

ORDER:

The case of the petitioner is that he is the owner and title holder of premises bearing No.3-8-34, High Way Colony at Mansurabad Village, Saroor Nagar Mandal, Ranga Reddy District constructed in plot No.3 in Sy.No.56/1, admeasuring 207 square yards having purchased the same through registered sale deed. The petitioner has constructed a house and residing in the same. Subsequently, the petitioner has obtained fresh permission for modifications of the house vide building permit No.3/C3/00312/2017, dated 10-01-2017 for construction of stilt + 2 upper floors. The 3rd respondent was neighbour having constructed without set backs on the northern side plot and executing threats. On that the petitioner made complaint to the police against 3rd respondent. The 3rd respondent started influencing respondents 1 and 2 and at his instance notice under Section 452(1) and 461(1) of Greater Hyderabad Municipal Corporation Act (for short "the Act") was issued to furnish the documents. The petitioner filed reply enclosing necessary title deeds and permit and prior to that the officials of respondent came to site and tried to interfere, when the petitioner gave representation. Thereafter, notice dated 20-06-2017 under Section 636 of the Act was

issued without reference to explanation filed by the petitioner. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that neither notice issued under Section 452 nor notice issued under Section 636 of the Act contain what are deviations committed by the petitioner. It is stated that the petitioner submitted reply to the notice issued under Section 452 of the Act stating that there are no deviations but still the respondent-authorities are trying to demolish the structures.

On the other hand, Sri Pasham Krishna Reddy, learned Standing Counsel for the respondent-Corporation submits that though permission was obtained permission Ground + 2 floors, the petitioner has constructed pent house and committed several deviations and he has not left any set backs.

A reading of notice dated 08-05-2017 under Section 452 of the Act goes to show that no deviations are indicated in the same and even in the notice issued under Section 636 of the Act, deviation is not specifically mentioned except saying unauthorized constructions.

In view of the same, it is open for the respondent-authorities to issue fresh notice indicating what are the deviations committed by the petitioner within a period of

one week from today. Thereafter, it is open for the petitioner to submit explanation within a period of one week thereafter and the respondent No.2 is directed to pass appropriate orders after giving opportunity of hearing to the petitioner as well as to the 3rd respondent. Till passing of such orders, there shall be status-quo regarding structures and the petitioner shall not make further constructions.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

07-07-2017
Nvl

A.RAJASHEKER REDDY,J





