

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.1765 of 2013

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“...to pass order or orders one in the nature of writ of mandamus to declaring the action of the respondent in demolishing the complex in the premises bearing No.6-2-4, situated near New Bus Stand, Hanamkonda, Warangal, without considering and disposing of the reply of the petitioner dt.15-10-2013 to the notice No. UC/21TPS/W.No.46/CIR-XIII/WMC/2013, dt.04-01-2013 as being illegal, arbitrary, contrary to the principles of natural justice and violative of Art.14 and 300-A of the Constitution of India and consequently direct the respondents to consider the reply of the petitioner dt.15.01.2013 and dispose of the same and also inspect the subject premises in the presence of the petitioner before taking any coercive steps and pass such other order or orders”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Standing Counsel for the respondent-Corporation. I have perused the material record.

3. One of the grievances of the petitioner is in regard to the correctness of the measurements taken by the municipal authorities of the buildings constructed by the petitioner; and, non consideration of the explanation, dated 15.01.2013, submitted to the respondent-Corporation.

4. This Court, on 24.01.2013, having heard the learned counsel for the petitioner and the learned Standing Counsel for the Corporation passed the following interim order:

“Since the petitioner has disputed the correctness of the measurements taken of the building constructed by him, it is only appropriate that the Commissioner, Municipal Corporation, Warangal, shall direct the Executive Engineer or any officer occupying a similar rank to undertake inspection of the premises, where the writ petitioner carried out constructions and take the measurements any time between 10:30 AM and 04:30 PM, by informing the date of inspection at least 24 hours before, to the petitioner, and submit a report to this court by 04.02.2013. Till further orders are passed by this court, no demolition shall be undertaken.”

5. Learned counsel for the petitioner would submit that the building was assessed to the property tax and that enhanced 30% property tax is being paid and collected and that the application submitted by the petitioner under BRS is pending consideration with the Corporation and that, therefore, the writ petition may be disposed of with appropriate directions.

6. Learned Standing Counsel for the Corporation endorses the said submissions.

7. Having regard to the submissions and the facts, the Writ Petition is disposed of directing the respondent-Corporation to consider and dispose of the representation, dated 15.01.2013, of the petitioner and also the application under BRS, which is pending with the respondent-Corporation in strict accordance with the procedure established by law as expeditiously as possible and preferably within two months from the date of receipt of a copy of this order. It is made clear that till disposal of the application under BRS, no demolition of the subject structure shall be undertaken by the Corporation.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

April 18, 2017
LMV