

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.2125 OF 2012

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the respondent in interfering with the construction of the petitioner in his plot bearing No.1-4-112/1/2A/1/A at Old Town (Byepass) in survey No.53, situated at Mahabubabad Village and Mandal, Warangal District, as illegal, arbitrary and contrary to the provision under Rule 26 of the A.P.Gram Panchayat Land Development (Layout and Building) Rules, 2002 and without any notice to the petitioner as contemplated under law, and consequently direct the respondent and their officials not to demolish the part construction already carried out by the petitioner in his plot.

Heard and perused the material.

When the case is taken up for hearing, learned counsel for the petitioner submits that originally when the petitioner started construction, the said area was under the Gram Panchayat and the petitioner applied for plan sanction and the said sanction was not granted by the Gram Panchayat within the stipulated time, and as such, the petitioner considered that it is a deemed sanction and proceeded with the construction. After completion of the construction, now the said area comes under the Municipal Corporation of Warangal.

The Government of Telangana issued G.O.Ms.No.152, dated 02.11.2015, for regularisation of the buildings constructed unauthorisedly by imposing certain conditions. Since it is the case of the petitioner that he has constructed prior to passing of the said G.O., and also when the area was under the control of the Gram Panchayat, the writ petition is disposed of in the following manner.

The petitioner is directed to make an application on the basis of G.O.Ms.No.152, dated 02.11.2015, seeking regularisation of the building

constructed by the petitioner herein. Even though said G.O., fixed specific period for making representations seeking regularisation of unauthorised constructions, as the petitioner approached this Court by filing the present writ petition and the matter is pending before this Court, the Authority concerned is directed to consider the application of the petitioner as if the same is submitted within the time specified in G.O.Ms.No.152, dated 02.11.2015, and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

25.01.2017
pln

JUSTICE RAJA ELANGO

