

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.3916 of 2011

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a direction to the respondents not to demolish the constructions in plot No.12 in Sy.No.141 admeasuring 133.33 sq. yards and also in a plot in Sy.No.140/3, admeasuring 261 sq.yards, situated within Grampanchayat Board, Thimmapur, Warangal District.

2. It is the case of the petitioner that she is the absolute owner of the property in Sy.No.140/3 admeasuring 261 sq. yards and her daughter-in-law purchased the plot in Sy.No.141 admeasuring 133.33 sq yards. The petitioner and her daughter-in-law applied for making constructions in the above plots, on 19.5.2010. As their application was not rejected, they proceeded with the constructions. While so, without giving any notice and without following the due process of law, the respondents are trying to demolish the constructions in the above plots. Hence, the present writ petition is filed by the petitioner.

3. Heard and perused the material available on record.

4. The main grievance of the petitioner is that she along with her daughter-in-law made an application for making constructions in the above plots on 19.5.2010 and as the said application was not rejected, they proceeded with the construction. It is contended by the learned Counsel for the petitioner that if the application for making constructions is not rejected within three months, the petitioner is entitled to make constructions by virtue of deemed permission as per the provisions of the HMC Act, and therefore, the petitioner proceeded with the constructions.

But the respondents without following the due process of law and without disposing of the application of the petitioner, are trying to demolish the constructions.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The respondents are directed to consider the application of the petitioner, if pending, and pass appropriate orders thereon in accordance with law, as expeditiously as possible.”

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Date: 19th April, 2017
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RAJA ELANGO, J

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