

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23355 of 2017

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of respondents 2 & 3 herein in issuing the notices bearing Nos.P11/UC/WNo.17/C4/EZ/GHMC/2017, dated 15.06.2017, and P11/UC/W.No.17/TPS/C4/GHMC/2017, dated 01.07.2017. The petitioners constructed permitted floors Slit-F2 Upper floor slab is laid and brick work under progress by clubbing 2 separate building permission in deviating the sanction plan and unauthorized construction of 3rd floor and pent house in 4th floor slab is laid in respect to the land bearing Plot No.11, West Part and 11 East part, situated at Durga Nagar Colony, Karmanghat, Champapet, Hyderabad, belonging to the petitioners herein as illegal and arbitrary and contrary to the provisions of Law and violative of Articles 300A & 14 of the Constitution of India and set aside the same.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioners is that the petitioners are the absolute owners and possessors of the schedule property bearing Plot No.11, in Survey Nos.52/1, 52/2, 53/1, 53/2, 54 and 55, admeasuring 300 square yards, Ward No.7, Block No.2,

situated at Durga Nagar Colony of Bairamalguda Village, Saroornagar Revenue Mandal, Ranga Reddy District, under Greater Hyderabad Municipal Corporation, L.B. Nagar Circle, and the 2nd petitioner has purchased Plot bearing No.11, in Survey Nos.52/1, 52/2, 53/1, 53/2, 54 and 55, admeasuring 150 square yards, Ward No.7, Block No.2, situated at Durga Nagar Colony of Bairamalguda Village, Saroornagar Revenue Mandal, Ranga Reddy District, under Greater Hyderabad Municipal Corporation, L.B. Nagar Circle, by virtue of registered Sale Deed bearing Document Nos.9702/2013 & 9703/2013, dated 27.05.2013, having purchased from one S. Surender Kumar Jaiswal and that the petitioner obtained permission for construction of building with Permit No.50828/DC/EZ/Cir-3/2016, dated 31.05.2016, and plan was approved by the 2nd respondent and Permit No.51442/DC/EZ/Cir-3/2016, dated 18.06.2016, and plan was approved by the 2nd respondent. The petitioners have made construction of Ground + 2 floors with a prior permission from the GHMC in respect of Plot No.11, situated at Durga Nagar Colony, Karmanghat, Hyderabad. The 2nd respondent issued notice No.P11/UC/WNo.17/C4/EZ/GHMC/2017, dated 15.06.2017, under Section 452 (2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') and notice No.P11/UC/W.No.17/TPS/C4/GHMC/2017, dated 01.07.2017, under Section 636 of the Act to show cause as to why the constructed permitted floors stilt + 2 upper floor slab is laid and brick work under progress by clubbing 2 separate building permissions in deviating the sanctioned plan and unauthorizedly constructed 3rd floor and pent house in 4th floor slab is laid in

respect of Plot No.11, West Part and 11 East Part, situated at Durga Nagar Colony, Karmanghat, Champapet, Hyderabad, should not be removed, altered or pulled down.

4. Learned counsel for the petitioners submitted that the petitioners, due to some unavoidable circumstances, could not give reply to the said notices, dated 15.06.2017 and 01.07.2017. Learned counsel further submitted that the petitioners will give reply to the said notices within a short period and prayed this Court to direct the respondent authorities to consider the same and also informed that the petitioners will not proceed further with the construction till a decision is taken on the reply submitted by the petitioners.

5. Recording the said submissions made by the learned counsel for the petitioners, the Writ Petition is disposed of directing the petitioners to submit a reply to the notices, dated 15.06.2017 & 01.07.2017, to the 2nd respondent on or before 30.07.2017 and on such reply given by the petitioners, the 2nd respondent shall take appropriate decision, as expeditiously as possible, in accordance with law. Till such decision is taken by the 2nd respondent on the reply given by the petitioners, the notices, dated 15.06.2017 & 01.07.2017, shall be kept in abeyance. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 14th July, 2017
KL

269**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.23355 of 2017**Date: 14th July, 2017

KL