

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22770 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the officials of the 3rd respondent in threatening to demolish the structures constructed on Plot No.10/part (North side part), total admeasuring 196.55 square yards or 164.4 square meters in Survey Nos.192 and 193 (covered under Block No.06), Vasanth Vihar Colony, situated at Raghavendra Colony, Jeedimetla Village, Quthbullapur Mandal and Municipality under Quthbullapur GHMC Circle, Ranga Reddy District, without due process of law.

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

3. It is the case of the petitioner that the petitioner purchased Plot No.10/part (North side part), total admeasuring 196.55 square yards or 164.4 square meters in Survey Nos.192 and 193 (covered under Block No.06), Vasanth Vihar Colony, situated at Raghavendra Colony, Jeedimetla Village, Quthbullapur Mandal and Municipality under Quthbullapur GHMC Circle, Ranga Reddy District, from Smt. M. Vishala, W/o. M. Ravinder Reddy, under a registered Sale Deed bearing Document No.3995/2016, dated 25.04.2016, and from the date of purchase, the petitioner is in absolute possession and enjoyment of the said property. The petitioner, with an intention to construct a residential house,

obtained permission from the Greater Hyderabad Municipal Corporation vide Permit No.3/C15/01025/2017, dated 10.02.2017. On 06.07.2017, the officials of the 3rd respondent visited the subject property and threatened to demolish the structures raised by the petitioner on the ground that the petitioner is constructing the said building without obtaining any permission from the concerned authorities.

4. The petitioner is apprehending that the officials of the 3rd respondent may come and demolish the constructions already made in the subject property.

5. Learned counsel for the petitioner submitted that the officials of the 3rd respondent cannot demolish the constructions without giving any notice or opportunity to the petitioner as envisaged under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, "the Act").

6. Learned Standing Counsel for respondents 2 & 3 submitted that the respondents are not interfering in any of the activities of the petitioner and that if any construction is made by the petitioner in the subject property without obtaining proper permission or if there is any deviation in the permission already granted, the respondents would follow the due process of law and appropriate steps would be taken, in accordance with law.

6. In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in possession and enjoyment of the subject property, her possession shall not be interfered with by the 3rd respondent

officials without following due process of law as enjoined whether under the Act or in any other law.

7. Accordingly, the Writ Petition is disposed of directing the 3rd respondent officials not to interfere with the possession and enjoyment of the petitioner, except following due process of law. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

RAJA ELANGO, J

Date: 11th July, 2017

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