

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.6421 OF 2017**

**ORDER:**

The writ petition is filed challenging the action of the respondents 2 and 3 in threatening to demolish the petitioner's house bearing H.No.8-3-229/D/12/H, Venkatagiri, Hylam Colony, Yousufguda, Hyderabad.

It is the case of the petitioner that the impugned order is passed under Section 636 of the Hyderabad Municipal Corporation Act, 1955 (for short, "the Act"), directing the petitioner to remove the unauthorised constructions within a period of 24 hours from the date of receipt of copy of the order.

Learned counsel for the petitioner contends that no notice was issued before passing the impugned order and the said order was issued to the petitioner only at the instance of the neighbour one A. Vijaya Kumar who has been made as 4<sup>th</sup> respondent herein. As a matter of fact, the 4<sup>th</sup> respondent himself had constructed two buildings one in 200 sq. yards and another in 400 sq. yards in violation of the building byelaws but no action has been taken against the 4<sup>th</sup> respondent. However, on the contrary, only basing on the complaint made by the 4<sup>th</sup> respondent, the demolition orders have been made against the petitioner. Petitioner submits that she is a poor woman and who has been gifted the site of 100 sq. yards by her husband who is a Poojari eking out his livelihood by way of performing poojas. It is also stated that the petitioner was not served with any notices earlier.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent Corporation.

It is the specific contention of the learned counsel for the petitioner that the petitioner had not received any notices earlier and as such she could not submit her explanations. If one more opportunity is given to

the petitioner, she will submit her explanation, especially considering the fact that no prejudice as such would be caused to the respondents at this stage.

In those circumstances, there shall be a direction to the respondent Corporation not to make any further demolitions for the period of eight weeks. Petitioner shall submit her explanation within a period of one week from the date of receipt of copy of the order and within one week thereafter, the 3<sup>rd</sup> respondent shall consider the explanation submitted by the petitioner and pass the final orders in accordance with the law. It is also made clear that the objections of the petitioner shall be considered strictly in accordance with the Zonal Regulations keeping in view of the permissible limits of the constructions which are permitted in the Zone.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

DATE:23.02.2017

**Note:**

C.C. forthwith.

B/O

Gk.

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**CHALLA KODANDA RAM,J**

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**Gk**

