

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16832 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India challenging the action of respondents Nos.2 to 4 in not considering the petitioner's BRS application No.2000099721, dated 30.01.2016, and in trying to demolish the Kalyana Mandapam of the petitioner, without following the due process of law.

The case of the petitioner is as follows:

Earlier the Government of A.P. Revenue (UC-II) Department allotted the land admeasuring Ac.52.02 cents in Sy.Nos.348 to 351, 352 (P), 357(P) and 358(P) situated at Kukatpally to M/s Hyderabad Industries Limited for allotting the said land to the workers of the company. Accordingly, house plots were allotted to about 1364 workers for construction of houses. After such allotment, some open plots were earmarked for community needs of the workers. M/s. Hyderabad Industries Limited, in fulfillment of the terms of the allotment, handed over the affairs of Asbestos Hills Colony including Ac.52.02 cts., of land to the Hyderabad Industries Limited Employees' Mutually Aided Co-operative Housing Society Limited to look after the development of the land and to protect the land from encroachment. As a part of welfare activities to the workers of the Asbestos Hills Colony, the Managing Committee of the Hyderabad Industries Limited Employees' Mutually Aided Co-operative Housing Limited resolved to construct a Kalyana Mandapam (community hall) and shops in the open land. The said Housing Society submitted representations to GHMC for issuance of NOC for construction of Kalyana Mandapam building in the land earmarked for that purpose. Respondents Nos.2 to 4 without passing any orders and

without considering the representations, in collusion with the local ex-corporator tried to demolish the entire structure without giving any notice. Upon which, the said Housing Society filed W.P.No.3895 of 2014 and this Court disposed of the said writ petition directing the respondents not to demolish the existing structure, except in accordance with law and after putting the petitioners on notice. Subsequently, on 30.01.2016 the petitioner submitted an application to GHMC authorities under BRS scheme. In spite of the said direction of this Court in the earlier writ petition and the application made by the petitioner, the respondents are trying to demolish Kalyana Mandapam. Hence, the petitioner filed this writ petition.

Heard and perused the material available on record.

The main grievance of the petitioner is that without considering the application made by the petitioner under BRS scheme, the respondents are trying to interfere with subject Kalyana Mandapam, whereas it is submitted on behalf of the official respondents that no such application was available in the office of the official respondents.

Considering the submissions made on behalf of both the parties and the grievance of the petitioner, this Court is inclined to pass the following order:

“The petitioner is directed to make a fresh application under BRS scheme on or before 15th August, 2017 and on such application being filed, the official respondents are directed to consider the same and pass appropriate orders in accordance with law, within a period of eight weeks thereafter. Till such time, no coercive steps shall be taken against the subject property.

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

July 18, 2017
KTL

RAJA ELANGO, J

