

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 17308 of 2017

Order:

Heard learned counsel for the petitioners, learned Government Pleader for the respondents 1 to 3 and learned Standing Counsel for the fourth respondent.

It is the case of the petitioners that they have purchased individual plots under various registered sale deeds and they have been in possession of the same. When they were making constructions, the fourth respondent issued a notice dated 16.05.2017 asking them to stop the constructions and submit sanction proceedings of the HMDA or the proceedings issued under Land Regularization Scheme and obtain proper permission from the Gram Panchayat for construction. To the said notice, the petitioners submitted a reply through their counsel on 20.05.2017.

Now a counter affidavit is filed by the fourth respondent stating that the petitioners are making constructions of residential houses in Survey Nos.769, 770 and 773 of Korremula village, Chowdariguda Gram Panchayat, Ghatkesar Mandal, Ranga Reddy district, without having any land conversion certificates from the revenue authorities, without approved lay out and without any valid permission from the fourth respondent. It is stated that the petitioners are not entitled to make any constructions on the basis of some permissions which are invalid. It is further stated that the land in the above survey numbers falls under the purview of HMDA and, as per Sections 18 and 19 of the HMDA Act, all the developmental powers of the land are vested with the said authority. The building permission should be in conformity with the Statutory Master Plan/Zonal Developmental Plan and Zonal Regulation/Building Regulation

and the plots should be in approved lay out. The enforcement powers are vested with the fourth respondent. The petitioners are making constructions in an area of Ac.4.00 without valid permissions and the permissions claimed by them are standing in the name of one Venkat Reddy and others who sold the property long back. No permissions were issued by the Gram Panchayat.

It is also alleged by the learned Standing Counsel for the fourth respondent that in spite of the order dated 07.06.2017 passed by this Court not to undertake any further constructions; the petitioners went ahead with the constructions.

It is the common case of the petitioners that they obtained permission for raising house construction on 13.06.2016 by paying the requisite fee and the building permission was also sanctioned on the same day. It is also their case that no notice was issued to them and they are the *bona fide* purchasers.

It is clear from the above averments that various unauthorized constructions are being undertaken by the petitioners and others in Survey Nos.769, 770 and 773 without approval from the HMDA or the Gram Panchayat. The HMDA is not made a party to the present Writ Petition. The alleged permissions obtained by the petitioners are disputed by the fourth respondent.

In the circumstances, the petitioners are given two (2) weeks time for filing permissions obtained by them, under which they made constructions, before the fourth respondent and the fourth respondent shall consider the said permissions and pass a detailed order after verifying the records indicating whether such permissions emanated from the fourth respondent or not, whether such permissions are valid or not

and whether any approved lay out is existing in respect of the land where the petitioners are raising constructions. The said order shall be passed by the fourth respondent within a period of two (2) weeks after submission of the permissions by the petitioners. Till such time, neither the petitioners shall make any constructions nor the respondents shall demolish the existing constructions.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 14.09.2017
Nsr

A. RAMALINGESWARA RAO, J

