

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3258 OF 2017

ORDER :

This Writ Petition is filed seeking a *mandamus* declaring the action of the respondents in trying to demolish the structures in D.No. 08-185/2/301 at Prasuna Nagar, Chintal in proceedings dated 23.01.2017 issued without considering the petitioner's representation dated 05.12.2016 and without assigning any reasons and without following due process of law as arbitrary and illegal.

Today, learned counsel appearing on either side submit across the Bar that the issue involved in this Writ Petition is identical to the one decided by a Division Bench of this Court in Writ Petition No. 5130 of 2016 and batch, *vide* judgment dated 18.10.2016, wherein it has been held as under:

“ In case the petitioners have submitted applications for regularization on or before 01.03.2016, the respondent Municipal Corporation shall not take coercive steps to demolish the illegal structures raised by them till orders are passed on their applications for regularization, and the said orders are communicated to them. It is open to the Municipal Corporations, in such of those cases where the applications for regularization are rejected, to initiate action for demolishing the subject structures in accordance with the provisions of the GHMC Act, and the Rules and bylaws made thereunder. It is made clear that, in such of those cases where applications, seeking regularization, have not been submitted before 01.03.2016, it is open to the Municipal Corporations concerned to take action, for demolition of the illegal structures, in accordance with law.”

In view of the aforesaid guidelines issued by the Division Bench, this Writ Petition is also disposed of in terms thereof. No costs.

Registry is directed to append a copy of the judgment dated 18.10.2016 in Writ Petition No. 5130 of 2016 and batch of cases to the order now passed.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

02nd February 2017

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