

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3428 OF 2017

ORDER:

Heard learned counsel for the petitioner; learned Government Pleader for Municipal Administration; and the learned Standing Counsel for the respondents 2 to 3.

2. The case of the petitioner is that he is the absolute owner and possessor of house bearing No..23-6-872, admeasuring 170 sq. yards situated in Rambaksha Banda, Shalibanda, Hyderabad, having acquired the same in family partition vide registered document No.254/2006 and since then he has been in absolute possession and enjoyment of the same. It is further submitted that recently the 1st respondent has issued a G.O.Ms.No.152 dated 2.11.2015 for regularization of unauthorized constructions. In terms of the said G.O, the petitioner applied for regularization under LRS scheme on 29.02.2016 and the same is pending with the respondents. While so, on 27.01.2017 the officials of the 3rd respondent had visited the premises, tried to demolish the structures raised over the schedule property and when the petitioner resisted the same, the officials of the 3rd respondent left the premises. Questioning the said action of the respondents, the petitioner has approached this court by this writ petition.

3. Learned counsel appearing for the parties fairly submits 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.”

4. Following the same, this writ petition is disposed of directing the respondent Municipal Corporation not to take coercive steps, for demolition of the illegal structures raised by the petitioner herein, provided application, seeking regularisation under G.O.Ms.No.152 dated 02.11.2015, was submitted by him before the cut-off date specified in the said G.O or the extended cut-off date till 01.03.2016.

5. In case the petitioner has submitted application for regularisation on or before 01.03.2016, the respondent Municipal Corporation shall not take coercive steps to demolish the illegal structures raised by him till orders are passed on his application for regularisation, and the said orders are communicated to him. It is open to the Municipal Corporations, in such of those cases where the application for regularisation is rejected, to initiate action for demolishing the subject structures in accordance with the provisions of the GHMC Act, and the Rules and bylaws made there under. It is made clear that, in such of those cases where applications, seeking regularisation, 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.

6. The writ petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:02.02.2017

Note: Issue CC forthwith.

B/o.

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