

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No. 39 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

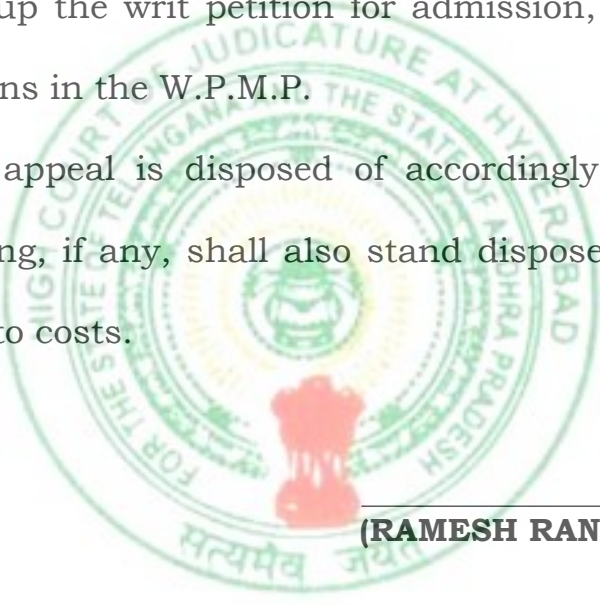
While Sri N. Subba Rao, learned counsel appearing on behalf of the appellant, would submit that the condition imposed by the learned Single Judge is onerous, Sri V. Narasimha Goud, learned Standing Counsel for the H.M.D.A, would submit that, since the appellant has constructed villas in a gated community, the Gram Panchayat lacks jurisdiction to accord permission even for construction of plots therein; any construction made, without obtaining prior permission from the H.M.D.A, is illegal; even if the individual plot owners are entitled for regularisation of their plots, in an unauthorized layout, the H.M.D.A, is still entitled to proceed against them for the unauthorized construction; and the proceedings dated 8.12.2016 is only a notice to show cause, and not a demand notice. Learned Standing Counsel would submit that the learned single Judge had, in fact, protected the appellant's interests while passing the interim order; and, in so far as the H.M.D.A, is concerned, they are entitled to proceed against the appellant in accordance with law.

The questions whether the persons, who purchased the villas from the appellant, are entitled for regularization of their plots in an unauthorized layout, whether they were required to obtain prior permission from the H.M.D.A. for the construction raised by them in a gated community, are all matters which are required to be examined before the interim relief, of suspending the impugned notice dated 8.12.2016, can be granted.

As both Sri N. Subba Rao, learned counsel for the appellant, and Sri V. Narasimha Goud, Learned Standing Counsel for H.M.D.A, are in agreement that the interim order should be set aside and the W.P.M.P. restored to file, the order under appeal is set aside and W.P.M.P. No. 54939 of 2016 is restored to file.

Sri V. Narasimha Goud, learned Standing Counsel for the H.M.D.A, and Sri G. Narender Reddy, learned Standing Counsel for the Gram Panchayat, submit that they would file their respective counter affidavits within two weeks from today. It is open to the appellant, any time after two weeks, to request the learned Single Judge to take up the writ petition for admission, and for grant of interim directions in the W.P.M.P.

The writ appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

19th January, 2017

pnb

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER



Writ Appeal No. 39 of 2017

Date: 19.1.2017

pnb

