

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.14431 of 2007

ORDER:-

Questioning the notice issued by the respondents, dated 18.06.2007, the present writ petition is filed.

The admitted fact is that the petitioner wanted to reconstruct the old compound wall and old house in Sy.No.104, Devotan Bazar, Machabollaram, Thirumalgherry, Secunderabad, and when he was proceeding with the said construction work, the Cantonment Board issued a notice, dated 09.02.2007, calling upon the petitioner to stop the construction work forthwith, since the same is being made without permission and is unauthorized construction. Pursuant thereto, the petitioner filed an application on 09.02.2007 requesting the 2nd respondent to grant permission to reconstruct the old compound wall and house, so as to protect the same. Thereafter, the Cantonment Board issued notice under Section 320 of the Cantonments Act, 2006, calling upon the petitioner to demolish and remove the unauthorized construction carried out by him forthwith. This notice is challenged in this writ petition.

There is no denial on the part of the petitioner about the reconstruction of the old compound wall and house without obtaining permission from the competent authority. Therefore, issue of the impugned notice by the Cantonment Board cannot be said to be in any way erroneous or arbitrary.

It is submitted on behalf of the Cantonment Board that as against the impugned notice, an appeal has been preferred by the petitioner to the appellate authority, which is pending.

In that view of the matter, the relief that is sought for in the present writ petition cannot be granted.

Therefore, the Writ Petition is dismissed. However, the petitioner is at liberty to make a fresh application to the respondents to regularize the construction, within a period of four weeks from today, and on filing such application, the respondent may consider and pass appropriate orders thereon, in accordance with rules and regulations of the Cantonment Board. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL, J

Date: 06.10.2017
Dsr

