

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25477 of 2017

ORDER:

Heard Sri Vedula Venkataramana, learned Senior counsel for the petitioner, Sri Sampath Prabhakar Reddy for respondent Nos.1 and 2 and learned Government Pleader for respondent No.3.

The Commissioner, Greater Hyderabad Municipal Corporation, 1st respondent herein, vide proceedings No.46029/BRS/SLP/GHMC/2017, dated 26.07.2017, rejected the application of the petitioner for regularization of the unauthorized building bearing H.No.1-60/34/1, situated in Sy.No.36 of Gachibowli. Aggrieved by the said order of rejection, the petitioner preferred appeal, dated 29.07.2017, before the 3rd respondent under Rule 11 of the Telangana Regularization of Unauthorized Constructed Building and Building Constructed in Deviation of the Sanctioned Plan Rules, 2015 (for short, "the Rules") notified vide G.O.Ms.No.152, Municipal Administration and Urban Development (M1) Department, dated 02.11.2015.

According to the learned Senior counsel, the said appeal is pending consideration before the 3rd respondent, appellate authority. It is submitted by the learned Senior counsel that despite pendency of the said appeal, the authorities are actively contemplating to demolish the subject structures without waiting for the outcome of the appeal and that the appeal is a substantive remedy and as such the impugned action is highly unsustainable and untenable.

Per contra, it is submitted by the learned Standing counsel, Sri Sampath Prabhakar Reddy, and the learned Government Pleader appearing for the respondents that there is no proof of filing appeal before the State Government and there is also no evidence to show that any orders are passed in the appeal under Rule 11 of the Rules.

Since the appeal, as per the learned Senior counsel appearing for the petitioner, is pending before the State Government, this Court deems it appropriate to dispose of the writ petition with a direction to the 3rd respondent to pass appropriate orders on the appeal, dated 29.07.2017, said to have been filed by the petitioner against the order of rejection passed by the 1st respondent vide proceedings, dated 26.07.2017, after giving notice and opportunity of hearing to the petitioner. Till the said appeal is decided, no coercive action shall be taken against the subject premises pursuant to the orders of the 1st respondent, dated 26.07.2017. However, it is made clear that this order will enure to the benefit of the petitioner if the appeal is pending before the 3rd respondent.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

A.V.SESHA SAI, J

Date: 01.08.2017
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