

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

WRIT PETITION No.13774 of 2011

ORDER:

This writ petition is filed for a mandamus, declaring the action of the respondent in seeking to demolish the building of the petitioner constructed in Plot No.32 in Sy.No.231 and 235, situated in Sri Swamy Ayyappa Cooperative Housing Society Limited, China Thokatta village, Bowenpally, Secunderabad, without considering her representation, dated 30.07.2010 to accept reasonable compounding for making unauthorized construction, as illegal and arbitrary.

Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondent.

The contention of the petitioner is that after having received the notice from the respondent, she made a representation to the respondent on 30.07.2010 for regularizing the unauthorized construction and to compound the same. The said representation is pending consideration and no orders are passed thereon by the respondent.

The learned standing counsel for the respondent submits that on the face of it, the construction made by the petitioner cannot be said to be in any way in accordance with law or rules, since the same has been raised in the teeth of the undertaking that was given by the writ petitioner that no construction whatsoever will be made. Since there is gross violation, the question of regularization of the said structures will not arise.

Having heard the learned counsel of both sides, since the petitioner contends that her representation, dated 30.07.2010, is pending with the respondent without passing any orders thereon, without expressing any opinion about the rival claim, it is felt necessary that the respondent can be directed to pass appropriate orders on the representation of the petitioner, dated 30.07.2010, if it is still pending, in accordance with law, within a period of 4 (four) weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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

M.S.K.JAI SWAL, J

Date: 05.10.2017
Dsr

