

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11252 OF 2017

ORDER:

This Writ Petition is filed challenging the show cause notice dated 21.03.2017, issued by the 3rd respondent-Deputy Commissioner, Circle No.10A, GHMC, Hyderabad, stating that the petitioner has unauthorisedly laid slab for ground + two upper floors in the premises bearing No.7-1-414/A/24 situated at S.R. Nagar, Hyderabad.

Learned counsel for the petitioner asserts that on 12.01.2017 the petitioner has submitted online application to the 2nd respondent seeking building construction permission, but the respondent authorities neither sanctioned the permission nor rejected the application of the petitioner, therefore, exercising the right of the petitioner under Section 437 of Greater Hyderabad Municipal Corporation Act, 1955 (in short "the Act"), which contemplates deemed sanction, the petitioner has proceeded for construction. However, petitioner is making construction strictly in accordance with the building plan and rules.

Sri P. Kesava Rao, learned Standing Counsel for the respondents 2 and 3 submits that the petitioner's building permission shall be considered, however, liberty may be given to the respondent authorities to take appropriate action, if there are any deviations in making construction as per the submitted plan.

Having considered the respective submissions, the Writ Petition is disposed of with a direction to the respondent authorities to process the petitioner's online application dated 12.01.2017 for sanction of building permission and till such time as a decision is taken no demolition shall be made. However, it is made clear, if the construction is not in accordance with the plan

submitted by the petitioner or not in accordance with the building norms laid down by G.O.Ms.No.168, dated 07.04.2012, respondent authorities are at liberty to take appropriate action after putting the petitioner on notice and calling for explanation in accordance with law.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any pending, shall stand dismissed.

CHALLA KODANDA RAM, J

Date:14.03.2017.
Ssv

