

HON'BLE SRI JUSTICE S.V. BHATT

W.P. Nos.12165, 13408,12160,15220,15228 AND 15835 OF 2014

COMMON ORDER:

Heard Mr.Rusheek Reddy and Mr.Sri Harsha for petitioners, Mr.Narender Reddy for Gram Panchayat and Mr.Naarsimha Goud and Mr.Rama Rao for HMDA.

The petitioners, in these writ petitions, are Educational Institutions, established for running Engineering/Pharmacy Colleges. These colleges claim to be running academic classes from 2003-04 onwards. The petitioners in these writ petitions challenge proceedings of 1st respondent refusing to consider the request of the petitioners for regularisation of existing buildings/constructions.

I have perused the proceedings impugned in the writ petitions. The 1st respondent after noticing a few shortfalls or deficiencies in the existing structures vis-à-vis the requirements of Revised Common Building Rules, 2006 vide G.O.Ms.No.86 dated 03.03.2006 as amended by G.O.Ms.No.168 dated 07.04.2012 rejected the request of petitioners for regularisation. To appreciate the grievance of petitioners against the rejection, the counsel appearing for the petitioners have drawn the attention of the Court to the deficiencies and explained how these deficiencies can be made good and contend that the respondents ought to be directed to regularise the buildings. The petitioners while establishing colleges, claim to have undertaken the constructions on the approvals granted by respective Gram Panchayats and the Gram Panchayats, it is asserted, are receiving property tax from the

petitioner colleges. According to counsel appearing for petitioners, having regard to the location of these colleges either the deficiency in setback or inadequacy of approach road can be made good in more than one way and having regard to the number of students studying in these colleges, request the Court to give opportunity to petitioners to re-submit the applications by attending to these defects pointed out by the 1st respondent and file objections, if any, on any of the aspects which the petitioners have reason to bring to the notice of HMDA as inapplicable.

Mr. Narasimha Goud does not oppose the submission of counsel for petitioners. Having regard to the fact that the petitioners have established Engineering/Pharmacy Colleges and are presently running these colleges, this Court with a view to providing opportunity to petitioners and also ensuring that the constructions in place are according to the rules and regulations of 1st respondent, considers it appropriate to dispose of the writ petitions with the consent of the counsel by this order:

- a) petitioners are given liberty to file representation by attending to the defects pointed out by HMDA along with objections, if any, in this behalf. In cases where the construction requires change of use from conservation to institutional/commercial/residential, such institutions are given liberty to apply for conversion in the Masters Plan to the present need of the petitioners and thereafter re-submit the applications. The petitioners are given liberty to re-submit the

applications within three months from the date of receipt of a copy of this order.

- b) the 1st respondent considers the cases of petitioners and passes orders, if necessary, after affording opportunity to the petitioners. The interim order granted by this Court is directed to be maintained till an order is passed and communicated in this behalf. Any institution/petitioner, if feels aggrieved by the final decision of the HMDA in this behalf, is given liberty to work out the remedies in accordance with law.

The writ petitions are disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date: 08.08.2017
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