

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.8121 of 2011

ORDER:

By proceedings dated 17.02.2011, issued under Sections 452 and 461 of the Hyderabad Municipal Corporation Act, 1956 (the "Act" for short), the petitioner was informed that they had constructed the building in violation of Sections 428, 429 and 433 of the Act; they had not availed permission under Section 428 or 433; and they should show-cause within 10 days why the building should not be demolished as it was constructed without prior permission.

A legal notice was sent in reply thereto on 01.03.2010, stating that the dispute was sought to be raised by some of the members of the petitioner-Club itself; and that the notice should be dropped.

Needless to state that in case the construction is made in violation of the provisions of the Act or the building bye-laws, it is always open to the Municipal Corporation to take action in accordance with law.

While Sri A.Panduranga Rao, Learned Standing Counsel for the respondent-Corporation, expresses ignorance as to what transpired after the Writ Petition was filed, no interim order was passed in the Writ Petition. In any event, the notice is for having raised construction without prior permission. Section 452 of the Act confers power on the Municipal Corporation to take action, for illegal and unauthorized construction, in accordance with law. I see no reason, therefore, to exercise discretion to interfere with

the action taken by the Municipal Corporation against the petitioner for their illegal and unauthorized construction.

The Writ Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:22.12.2017.
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