

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20434 OF 2016

ORDER:

The Writ Petition is filed to declare notice, dated 18.06.2016, issued by the 3<sup>rd</sup> respondent and the proposed action, as illegal and arbitrary and consequently, direct the respondents to consider the application for penalization of unauthorized construction made by the petitioner.

It is the case of the petitioner that he purchased Flat No.301, constructed on plot No.341, Irrigation Employees Cooperative Housing Society, Anjaneya Nagar, Kukatpally Village, Balanagar Mandal, Hyderabad, in May, 2016 from his vendor. Since then, the petitioner is in peaceful possession and enjoyment of the same. While so, on 18.06.2016, the staff of 3<sup>rd</sup> respondent visited the subject Flat and all of a sudden tried to demolish the structures without issuing any notice. The petitioner informed the officials that the said Flat was constructed by his vendor in the year 2008 and the application for regularization of the same is pending with the 2<sup>nd</sup> respondent and therefore, pending consideration of the same, not to resort any act of demolition. Having satisfied with the explanation, the officials of the 3<sup>rd</sup> resident left that place. But, surprisingly, on 20.06.2016, the petitioner received notice, dated 18.06.2016 issued by the 3<sup>rd</sup> respondent stating that the petitioner made unauthorized construction partly in the 3<sup>rd</sup> floor of the subject premises, without any prior permission from the 3<sup>rd</sup> respondent and directed him to submit explanation within seven days. Immediately, the petitioner submitted his reply on 21.06.2016. But, without taking any decision

on the said representation and also on the regularization application, which is pending before the 2<sup>nd</sup> respondent, the respondents are trying to demolish the structures of the petitioner's flat. Hence, this writ petition.

When the matter is taken up for hearing, learned Standing Counsel for the respondents 2 and 3 submitted that the respondents will consider the representation of the petitioner and also the regularization application submitted to the 2<sup>nd</sup> respondent in respect of the subject flat, and after giving opportunity to the petitioner, the respondents will pass appropriate orders in accordance with law.

In view of the submissions of the learned Standing Counsel for the respondents 2 and 3, the Writ Petition is disposed of directing the respondents not to take any coercive steps in respect of the subject Flat, till decision is taken on the representations of the petitioner.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 13, 2017  
KTL