

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23372 of 2017

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the highhanded action of the respondents particularly the 4th respondent and its officials in trying to demolish the building of the petitioners over house bearing Municipal No.23-1-432/4&5, admeasuring 451.44 square meters, situated at Hussaini Kothi, Kotla Alija, Hyderabad, during pendency of the BRS application made by the petitioners, dated 12.01.2016, made under G.O.Ms.No.152, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015, as illegal and arbitrary and also against the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), and the Rules made thereunder and consequently direct the respondents to consider the application of the petitioners, dated 12.01.2016, made under BRS scheme.

2. Heard the learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioners is that the petitioners are the lawful and possessors of different extents of land total admeasuring 451.44 square meters of house bearing Municipal No.23-1-432/4&5, situated at Hussaini Kothi, Kotla Alija, Hyderabad, having acquired the same through different

registered documents bearing Document Nos.43 of 2013, dated 28.02.2013, 518 of 1996, dated 03.07.1996 & 208 of 1982, dated 25.01.1982, and their names were also mutated in the concerned municipal records. The petitioners later constructed a residential house therein without obtaining any permission. Thereafter, the Government introduced the scheme of Building Penalization Scheme, under G.O.Ms.No.152, dated 02.11.2015, for penalization of unauthorized constructions made within the limits of the Act and in respect of the same, the petitioner made an application for regularization of the subject house, dated 12.01.2016, by way of paying regularization charges of Rs.10,000/-, but the same is pending with the respondent authorities.

4. The main grievance of the petitioners is that on 12.07.2017, the officials of the 4th respondent, with the help of demolition squad, approached the subject property and tried to demolish the same by way of interfering and dispossessing them from their peaceful possession and enjoyment over the subject property, but with the intervention of the local elders and social workers, the petitioners protested against the action of the officials of the respondents and resisted them. The petitioners are apprehending that there is every chance of threat of demolition of the subject house of the petitioners by the 4th respondent at any moment.

5. Learned Standing Counsel for the respondent authorities submitted that in the guise of applications being submitted and pending before the respondent authorities, some

persons are constructing buildings without there being any building permissions. Learned Standing Counsel for the respondent authorities further submitted that the petitioners may be directed to produce a copy of the application, dated 12.01.2017, before the respondent authorities along with photographs of the subject building constructed in the land in which they want to regularize the subject building and on such application being submitted, the respondent authorities will pass appropriate orders, in accordance with law.

6. Having regard to the said submissions made by the learned Standing Counsel for the respondent authorities, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the petitioners to submit a copy of the application, dated 12.01.2016, to the respondent authorities along with the photographs of the subject building on or before 30.07.2017 and on receipt of the application submitted by the petitioners, the respondent authorities are directed to pass appropriate orders, as expeditiously as possible, in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 14th July, 2017

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