

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18889 of 2010

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the inaction on the part of the 2nd respondent Corporation in considering and passing appropriate orders in pursuance of the explanation, dated 12.07.2010, submitted in reply to the Notice No.5/TP/WMC/2010, dated 05.07.2010, of the 2nd respondent Corporation, as illegal and arbitrary and consequently direct the 2nd respondent not to interfere and demolish the structure in premises bearing No.2-5-294/1, existing in 9 square yards of land, situated at Main Road, Nakkalagutta, Hanamkonda, Warangal.

Heard and perused the material available on record.

The case of the petitioners is that the petitioners are the absolute owners and possessors of land admeasuring to an extent of 136.5 square yards covering a plinth area of 2,679 square feet comprising in Ground, First and Second floors in the premises bearing Municipal No.2-5-294 and 2-5-294/1, situated at Main Road, Nakkalagutta, Hanamkonda, Warangal.

The main grievance of the petitioners is that the 2nd respondent Corporation issued Notice No.5/TP/WMC/2010, dated 05.07.2010, under Section 461 of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') to the petitioners stating that the petitioners are constructing pillars in the existing old wall unauthorizedly without prior permission and asked the petitioners to stop the work forthwith and that in reply to the said notice, the petitioners have submitted an explanation, dated 12.07.2010, to the 2nd respondent Corporation mentioning that the

proposed pillars will not either amount to a construction of new building or alteration or modification of a building or otherwise as per the provisions of the Act and requested to withdraw the same and that in spite of the receipt of the said explanation on 12.07.2010 itself, the 2nd respondent Corporation neither withdraw the notice, dated 05.07.2010, nor issued any reply to the said explanation and that on the other hand, the 2nd respondent Corporation are coming to the property every day and pressurizing and threatening the petitioners with dire consequences, if the petitioners failed to comply with the notice, dated 05.07.2010.

Learned Standing Counsel for the 2nd respondent Corporation informed the Court that the petitioners have already submitted a representation to regularise the building under the Building Regularisation Scheme and that the same will be considered by the 2nd respondent Corporation, in accordance with law.

Recording the submission of the learned Standing Counsel for the 2nd respondent Corporation, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, in this writ petition, shall stand closed.

RAJA ELANGO,J

Date: 23rd January, 2017

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