

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P. NO. 1844 OF 2017

ORDER:

Heard learned counsel for the petitioner as well as Sri Sampath Prabhakar Reddy, learned standing counsel appearing for the respondents and perused the material papers.

A notice dated 10.1.2017 under Sections 452 (1) and 461 (1) of Hyderabad Municipal Corporation Act, 1955 was issued to the petitioner alleging unauthorized construction of building and thereby giving 7 days' time for filing his objections, failing which appropriate action for demolition of unauthorized construction will be taken. The said demolition notice is challenged in this writ petition. It is the contention of the learned counsel for the petitioner that immediately after receipt of the notice, the petitioner submitted an explanation which was not considered by the respondents and on the other hand, the respondents are trying to demolish the building without following the due process of law.

Learned standing counsel appearing for the respondents submits that so far no order was passed by the respondents-authorities under under Section 452 (2) of the HMC Act, 1955 and if the petitioner submitted an explanation to the demolition notice, the respondents will consider and pass appropriate orders in accordance with law.

In the facts and circumstances of the present case, as the entire construction of the building was allowed to have been made by the respondents-authorities by closing their eyes during the construction

period, if one more opportunity is given to the petitioner, no prejudice would be caused to the respondents-authorities.

In that view of the matter, there shall be stay of demolition of the building of the petitioner with a direction to the respondents-authorities to take into consideration of the explanation submitted by the petitioner and pass appropriate orders in accordance with law.

First respondent-Commissioner shall also take necessary action against the concerned officials who are responsible for ignoring the construction of the building being done without there being any permission. A copy of this order be sent to the first respondent.

The writ petition is accordingly disposed of. Miscellaneous applications, if any, shall stand closed. No order as to costs.

Dt.20.1.2017
KR

CHALLA KODANDA RAM, J

