

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 40942 OF 2016

ORDER :

Heard learned counsel for the petitioner and Sri P. Keshav Rao, learned Standing Counsel for Greater Hyderabad Municipal Corporation.

The case of the petitioner is that she is the absolute owner and possessor of the building bearing Municipal No. 3-5-878, known as 'Indrani Complex' situated at Narayanguda, Hyderabad. The petitioner had erected a temporary shed with iron poles and sheets and had leased it out to run a coffee shop. It is her further case that pursuant to G.O.Ms.No.152, dated 02.11.2015, she applied for regularization of the structures on 31.01.2016 and the same is pending with the respondent authorities, who, however, are trying to demolish the structures in the premises in question. Hence, this Writ Petition.

Learned counsel appearing for the parties fairly submit that the issue involved in this Writ Petition is identical to the one decided by a Division Bench of this Court in Writ Petition No. 5130 of 2016 and batch *vide* judgment dated 18.10.2016, wherein it has been held as under:

“ In case the petitioners have submitted applications for regularization on or before 01.03.2016, the respondent Municipal Corporation shall not take coercive steps to demolish the illegal structures raised by them till orders are passed on their applications for regularization and the said orders are communicated to them. It is open to the Municipal Corporations, in such of those cases where the applications for regularization are rejected, to initiate action for demolishing the subject structures in accordance with the provisions of the GHMC Act and the Rules and bylaws made

thereunder. It is made clear that in such of those cases where applications seeking regularization, have not been submitted before 01.03.2016, it is open to the Municipal Corporations concerned to take action for demolition of the illegal structures in accordance with law.”

Following the same, the respondent Municipal Corporation is directed not to take coercive steps for demolition of the illegal structures raised by the petitioner herein, provided the Application seeking regularization under G.O.Ms.No. 152, dated 02.11.2015 was submitted by her before the cut-off date specified in the said G.O. or the extended cut-off date till 01.03.2016; and necessary orders are passed thereon and communicated to her. It is, however, open to the Municipal Corporation, in such of those cases where the Application for regularization is rejected, to initiate action for demolishing the subject structures in accordance with the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and the Rules and bylaws made thereunder.

It is made clear that in such of those cases where Applications seeking regularization have not been submitted before 01.03.2016, it is open to the Municipal Corporations concerned to take action for demolition of the illegal structures, in accordance with law.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

07th March 2017

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