

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22914 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in not considering application, dated 29.01.2016, submitted under Building Regularization Scheme and the earlier application dated 11.07.2008 for regularization of 3rd floor of H.No.6-1-71, 72 and 73 of Srinagar Colony, Godavarikhani and the other deviations, as illegal and arbitrary, and consequently, direct the respondents not to take any steps till consideration of the above said applications of the petitioner.

The case of the petitioner is that he constructed the abovementioned building after obtaining permission from the 2nd respondent – Ramagundam Municipal Corporation. Thereafter, the 2nd respondent issued notice on 19.05.2008 for penalization of the building deviations to the sanctioned plan. Therefore, the petitioner submitted Demand Draft under the said scheme. Again in the year 2015, the 2nd respondent issued notice that the petitioner raised third floor unauthorizedly. The petitioner submitted his explanation stating that the he applied for Building Regularization Scheme and the same is pending consideration. But, the 2nd respondent without considering the applications pending before it under BRS, threatening to demolish the structures of the building of the petitioner. Hence, this writ petition.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that though the petitioner made applications under Building Regularization Scheme, without considering the same and without passing any orders, the

officials of the 2nd respondent are trying to demolish the structures made by the petitioner and if the construction is demolished, the petitioner will be put to irreparable loss and therefore, the 2nd respondent may be directed to consider the applications of the petitioner.

Considering the circumstances of the case and the grievance of the petitioner, without going into the merits of the case, this Court is inclined to pass the following order:

The 2nd respondent – Ramagundam Municipal Corporation, Peddapally District, is directed to consider the applications submitted by the petitioner under Building Regularization Scheme, and pass appropriate orders in accordance with law. Till decision is taken on the said applications, the respondents are directed not to take any coercive steps in respect of the subject building.

With the above directions, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 12, 2017
KTL