

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22539 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of respondents 2 to 4 in interfering/ dismantling with the ongoing construction of the petitioners in premises bearing No.2-22-179/ , Plot No.1 in Sy.No.135 and premises bearing No.2-22-182/ 2, Plot No.10 in Sy.No.135 situated at Aruna Cooperative Housing Society, Kukatpally Village, Balangar Mnadal, R.R. District, without following due process of law, as illegal and arbitrary, and consequently, direct respondents 2 to 4 not to dismantle the abovementioned construction of the petitioners.

The petitioners are the absolute owners and possessors of the abovementioned properties. They started construction in the said plots after obtaining permissions for construction of two buildings with ground, stilt plus two upper floors. The petitioners have started construction simultaneously in the said two plots to avoid costs and inconvenience to the neighbours and that the elevation of two buildings is one and the same. On the instigation of local politicians and neihgbours, the officials of respondents 2 to 4 are trying to interfere with the construction activity of the petitioners. Then the petitioners approached this Court and filed WP No.12974 of 2017 and this Court closed the said writ petition with a direction to the respondents not to interfere with the construction of the petitioners without issuing any notice. Thereafter, one of the neighbours of the petitioners filed WP No.17076 of 2017 before this Court and while disposing of the said writ petition this Court directed the respondents to take action against the petitioners' construction if their construction is illegal. On 23.06.2017

the respondent Corporation issued notice to the petitioners stating that petitioners are proceeding with the construction with a deviation to the sanctioned plan and clubbed plot Nos.1 and 10 in the style of apartment unauthorisedly, without prior approval from the Corporation.

Heard and perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners are carrying out the construction as per the sanctioned permission only and that the officials of the Corporation are now and then interfering with the construction activity of the petitioners and threatening to demolish the structures, without following the procedure as per law.

Learned Standing Counsel appearing for respondents 2 to 4 submitted that the respondents have already issued notice on 23.06.2017 under Section 452 of the Hyderabad Municipal Corporation Act to the petitioners, but till date the petitioners have not submitted their explanations, and if the petitioners submit their explanations, the authority concerned will consider the same and pass appropriate orders in accordance with law.

Considering the submissions of the both the learned counsel, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The petitioners are directed to submit their explanations to notice, dated 23.06.2017, issued by the 3rd respondent on or before 30.07.2017 and on receipt of the explanations from the petitioners, the 3rd respondent shall consider the same and pass appropriate orders in accordance with law. Till such time, the respondents are directed not to take any coercive steps in respect of the subject properties.”

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.

July 10, 2017
KTL

RAJA ELANGO, J

