

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1847 of 2017

ORDER:

The petitioner is aggrieved by the proceedings dated 16.12.2016 issued by the 2nd respondent – Commissioner, Greater Hyderabad Municipal Corporation, whereunder it was directed to stop further construction for which building permission, in fact, was granted earlier vide proceedings dated 25.06.2016.

2. It is the case of the petitioner that it had entered into a registered Development Agreement-cum-General Power of Attorney with respect to the subject property bearing Plot No.2, admeasuring 4,646.79 square yards in Sy.No.44/1, situated at Miyapur Village, Serilingampally Mandal, Ranga Reddy District, and constructions are being made in the said premises strictly in accordance with the sanctioned plan. However, merely on account of a complaint made by one Sri M.V. Narsimha Reddy, respondent No.6 herein, the respondent authorities have issued the impugned proceedings dated 16.12.2016, directing to stop further construction in the said premises without even verifying the records and without calling for any explanation from the petitioner. Hence, the present writ petition.

3. On the other hand, Sri Sampath Prabhakar Reddy, learned Standing Counsel for the respondents – Corporation,

submits that if there is any violation of the sanctioned plan, necessary action will be initiated in accordance with law against the petitioner, under Section 450 of the Hyderabad Municipal Corporations Act, 1955.

4. In view of the submission made by the learned counsel for the petitioner, as there is no notice issued to the petitioner alleging any violation of the sanctioned plan, issuance of the impugned proceedings dated 16.12.2016 directing to stop construction in the subject premises cannot be sustained and the same is liable to be set aside.

5. In view of the above, the impugned proceedings dated 16.12.2016 is set aside. However, it is made clear that the respondent authorities are at liberty to take action against the petitioner in accordance with law, if there is any violation of the sanctioned plan in the process of construction in the subject premises.

6. Accordingly, this writ petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

20.01.2017.

Msr

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