

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 43065 OF 2016

ORDER :

Petitioner is stated to have engaged in doing development and building works in the name and style of Avanis Builders and Developers. It entered into a developmental agreement with Sri Mallampati Krishna Rao, S/o Tirupathaiah on 29.04.2016 with respect to plot Nos. 448 and 449, admeasuring 600 square yards in Survey Nos. 28 to 30 situated at Bachupally Village and Gram Panchayat, Quthbullapur Mandal, Ranga Reddy District. According to the petitioner, he constructed ground + four floors as against the sanctioned plan to construct cellar and ground + three floors and hence, applied for its regularization. Sri Mallampati Krishna Rao is also stated to have applied for regularization of land. Pursuant to the notice dated 17.10.2016 issued by the 3rd respondent Additional Zonal Officer, Hyderabad Metropolitan Urban Development Authority, though the petitioner submitted all relevant records, the 3rd respondent, again, issued the notice dated 02.11.2016 impugned in this Writ Petition, under Section 23(3) of the Hyderabad Metropolitan Urban Development Authority Act, 2008 directing the authorities concerned to take action under Section 3 of the said Act. When the petitioner approached the respondent authorities, they assured that they would not take any steps as the Applications for regularization are pending. However, on 07.12.2016 at 03.30 p.m., the officials of the 2nd respondent high-handedly came to the subject property and tried to demolish the structures without issuing any prior notice to the petitioner. Hence, the Writ Petition.

Today, learned counsel appearing on either side submit across the Bar 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.”

In view of the aforesaid guidelines issued by the Division Bench, this Writ Petition is also disposed of in terms thereof. No costs.

Registry is directed to append a copy of the judgment dated 18.10.2016 in Writ Petition No. 5130 of 2016 and batch of cases to the order now passed.

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

CHALLA KODANDA RAM, J

24th January 2017

