

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22174 OF 2017

ORDER:

The case of the petitioners is that one Smt.Pusha is the owner of the property admeasuring 200 square yards bearing plot No.34/A of Survey Nos 333, 334 and 317 situated at Venkateshwara Nagar Colony, Old Safilguda, erstwhile Malakajgiri Municipality, now Medchal Mandal, Malakajgiri District. Said property was sold to one Arun Kumar under registered sale deed dated 24-03-2015 vide document No.966 of 2015, who in turn executed agreement of sale-cum-GPA in favour of one Mallesh under registered document No.607/2016, dated 17-02-2016 and he obtained municipal permission by orders dated 20-10-2016 from the respondent-Corporation in permit No.3/C17/00988/2016 for construction of Ground+1 and started construction accordingly. Both the original owner as well as GPA holder i.e. Arun Kumar and Mallesh respectively had executed a registered sale deed vide document No.2233/2017, dated 12-05-2017 in favour of the petitioners in respect of semi-constructed building admeasuring 170 square yards and the petitioners completed constructions. House warming ceremony is about to take place in few days. The respondent-authorities are threatening the petitioners without issuing any notice that they will demolish the constructions. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioners, who submits that the petitioners have purchased semi constructed building admeasuring 170 square yards and they have nothing to do with the shops.

Sri Chatla Madhu, learned Standing Counsel for the respondent-Corporation by produced para-wise remarks stating that necessary notices were issued and stated one Arun Kumar who obtained building permission for the construction of ground and first floor in permit No.3/C17/00988/2016, dated 20-10-2016 and accordingly commenced construction and he constructed ground and first floor and second floor partly with deviations in respect of all round open spaces and also converted the ground floor into commercial purpose by erecting two rolling shutters for shops. The respondent-corporation has identified the constructions and served the notices by giving sufficient time. After lapse of time, the respondent-Corporation has initiated action for demolishing the shops constructed in the ground floor and also demolished the deviations to the front side along with balconies on 03-07-2017.

Now, it is to be seen that the case of the petitioners is that they purchased semi-finished building vide registered document No.2233/2017, dated 12-05-2017. It is not clear when the notices are issued and the petitioners say that they have nothing to do with the shops. In para-wise remarks, it is also stated that already deviations are removed and shops were demolished.

In view of the same, the writ petition is disposed of with a direction to the respondents not to take any further action against the building of the petitioners without following due process of law. It is also open for the respondents to stop further construction, if the petitioners are making any construction in deviation of approved plan.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

07-07-2017
Nvl

A.RAJASHEKER REDDY,J





