

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38722 of 2017

ORDER:

In this writ petition, the challenge is to the notice No.96/5/23/ACP/C5/SZ/GHMC/2017, dated 09.11.2017, whereby the Commissioner, Greater Hyderabad Municipal Corporation, informed the petitioner that the request made by the petitioner cannot be considered and is, therefore, rejected and that the petitioner shall take notice that further action will be taken as per law.

2. I have heard the submissions of Sri *M. Saleem*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent and of Sri *N. Ashok Kumar*, learned Standing Counsel appearing for respondents 2 to 4. I have perused the material record.

3. Learned counsel for the petitioner would submit that in the earliest notice, it is stated that the petitioner is raising columns for ground floor unauthorizedly and that such constructions are being made without following regulations and rules and also the terms of G.O.Ms.No.168, Municipal Administration and Urban Development (M) Department, dated 07.04.2012, and that the petitioner submitted a reply, dated 07.11.2017, to the earliest show cause notice and that the petitioner is only making repairs to the existing property, which was damaged due to heavy rains in the recent past. However, at the hearing, learned counsel for the petitioner would submit that the petitioner is prepared to stop all further constructions and make an application for building permission and would proceed with the further constructions on approval of the building permission and,

therefore, the writ petition may be disposed of giving liberty to the petitioner to seek permission for construction.

4. Learned Standing Counsel appearing for the said respondents would submit that the petitioner may be directed to apply within a time frame and that the petitioner may be directed not to proceed with the constructions till his application for building permission is considered and disposed of by the respondents.

5. Recording the submissions, the Writ Petition is disposed of giving liberty to the petitioner to apply to the respondent authorities for building permission within a period of one (01) week from the date of receipt of a copy of this order; nonetheless on the petitioner making such application, the respondent authorities shall consider and dispose of the same within a period of two (02) weeks from the date of submission of the application by the petitioner in strict accordance with the procedure established by law. Till such exercise is completed, the respondent authorities shall not interfere with or demolish the constructions already made and are in existence as on today. However, the petitioner, as undertaken, shall not proceed with any further constructions in the subject property and maintain absolute *status quo* till his building permission is considered and disposed of by the respondent authorities.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 17th November, 2017

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