

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38001 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue a writ, order or direction more so, a writ in the nature of mandamus, by declaring the inaction of the Respondent Nos. 2 and 3 in not removing the illegal and unauthorised construction made by the 4th Respondent in our building complex named as Sri Sai Ram Nilayam at premises bearing No.8-3-670/1, Pragathi Nagar Colony, Yousufguda, Hyderabad beneath the water tank as illegal, arbitrary and contrary to law and consequentially to direct the Respondents for removal of the illegal constructions and for issuance of occupancy certificate by releasing the mortgaged portion of the building and may pass such other order or orders as this Hon'ble Court may be pleased to deem fit and proper in the interests of justice and equity.”

(Reproduced Verbatim)

2. I have heard the submissions of Sri *G.Vasantha Rayudu*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel appearing for respondents 2 and 3.

3. The case of the petitioner is thus:

The builder obtained permission for construction of stilt + four floors. But, he made unauthorised constructions partially on the 5th floor. Apparently the same is illegal and unauthorized since it was constructed without any sanction or permission. Because of

the said illegal constructions, no occupancy certificate was being issued to the residents of the building. After great persuasion by the residents of the building, a notice under Sections 452 and 461 (1) of the Greater Hyderabad Municipal Corporation Act, 1955, (for short, 'the Act') was issued to respondents 4 to 6 by the Assistant City Planner, Circle, 19, CZ, GHMC. Now the unofficial respondents 4 to 6 in collusion are trying to get the illegal constructions regularised and, also trying to sell the same to third parties by creating registered documents.

4. Learned Standing Counsel appearing for respondent Nos.2 and 3 would submit that already action was initiated by issuing show cause notice and that the 2nd respondent Municipality will take further action pursuant to the said notice, in accordance with the procedure established by law.

5. Recording the submissions, the Writ Petition is disposed of directing respondents 2 and 3 to take further action, in accordance with the procedure established by law, pursuant to the notice, dated 06.10.2017 issued under Sections 452 (1) and 461 (1) of the Act and initiate steps for removing the unauthorized constructions, if any, in accordance with law, as expeditiously as possible.

As a sequel, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M.SEETHARAMA MURTI, J

NOVEMBER 14, 2017

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Date: 14.11.2017