

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36250 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent nos.2 to 5 in interfering with the peaceful possession and enjoyment of the property bearing flat bearing No.601 (in sixth floor) with built up area of 1685 sq. ft (excluding common area) and car parking along with an undivided share of land admeasuring 18 sq. yds (out of 622.22 sq. yds) on Plot No.5, Srikar Residency Sy.No.91, Gachibowli Village, Serilingampally Mandal, Ranga Reddy District and trying to demolish the same without considering the representation of the petitioner, dt.25.10.2017 and also pending building regularization application no.2000060556 dated 31/12/2015, vide receipt no.17012016013235, dt.17.01.2016, as illegal, arbitrary, high handed, unjust, unreasonable, violative of principles of natural justice and fundamental rights guaranteed under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the 2nd respondent to regularize constructions over the flat bearing No.601 (in sixth floor) with built up area of 1685 sq. fts (excluding common area) and car parking along with an undivided share of land admeasuring 18 sq. yds (out of 622.22 sq. yds) on Plot No.5, Srikar Residency Sy.no.91, Gachibowli Village, Serilingampally Mandal, Rangareddy District by considering the building regularization application no.2000060556 dated 31/12/2015, vide receipt no.17012016013235,

dt.17.01.2016 and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case."

(Reproduced verbatim)

2. I have heard the submissions of *Sri M.Rajender Reddy*, learned senior counsel appearing for the petitioner; the learned Government Pleader for Municipal Administration & Urban Development, appearing for the 1st respondent; and, of *Sri Sampath Prabhakar Rao*, learned Standing Counsel appearing for the respondents 2 to 5. I have perused the material record.

3. In this writ petition, the claim of the petitioner is that he has submitted an application for regularization of certain structures in terms of G.O.Ms.no.152, dated 02.11.2015, and that during the pendency of the said request of the petitioner for regularization, coercive steps are being taken for demolition of the subject structures of the petitioner and therefore, the writ petition is filed. Learned senior counsel while reiterating the case of the petitioner, brings to the notice of the Court the latest photographs of the property showing completion of the construction.

4. Learned Standing Counsel appearing for the GHMC would submit that the writ petition can be disposed of in terms of the orders of this Court passed in a batch of writ petitions in W.P.No.5130 of 2016, dated 18.10.2016. Learned senior counsel appearing for the petitioners endorses the said submission.

5. Accordingly, the Writ Petition is disposed of directing the respondents 2 to 5 not to take any coercive steps or action for demolition of the structures raised by the petitioner till orders as

required under law are passed on the application for regularization of the petitioner; and such orders passed on such application are communicated to the petitioner. However, it is open to the Municipal Corporation to initiate action for demolition in accordance with the procedure established by law, in the event the request of the petitioner for regularization stands rejected.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

31st October, 2017
RAR

M. SEETHARAMA MURTI, J

