

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.46700 OF 2016

Dated:02.01.2017

Between:

Karnati Venkatesham, S/o. K. Narasimha,
Aged about 53 years, Occ: Business,
R/o.H.No.11-9-318/1, Laxminagar Colony,
Kothapet, Hyderabad and others

.. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Municipal
Administration, Secretariat Buildings,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.46700 OF 2016****ORDER:**

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. The petitioners claim that they are the absolute owners and possessors of the land in Survey No.435 of B. Pochampally Village and Mandal, Nalgonda District. They obtained building permission on 18.02.2016 for construction of ground + two floors. While so, the Assistant Zonal Officer, Hyderabad Metropolitan Development Authority, Ghatkesar Zone, the 3rd respondent, issued Memo/notice, dated 31.10.2016, alleging that the petitioners are undertaking construction illegally without obtaining appropriate permission. The said Memo is challenged by the petitioners primarily on the ground that the land of the petitioners is situated in Survey No.435, whereas in the notices addressed to them, the survey number is mentioned as '434'.

3. Learned counsel for the petitioners submits that the petitioners are no way concerned with the land in Survey No.434 as mentioned in the Memo and it is wrongly addressed to them.

4. Learned Standing Counsel for the 4th respondent, on instructions, submits that in deviation of the building permission granted to the petitioners, they are undertaking construction illegally and they have also filed an application for regularisation of such construction and the construction is yet to be completed.

5. As seen from the Memo/notice dated 31.10.2016 and the building permission applications dated 18.02.2016, the survey numbers mentioned are different. Hence, instead of approaching this Court, the petitioners ought to have brought to the notice of the competent authority the fact that the land in survey No.434 does not belong to them and the notice was wrongly issued to them.

6. Hence, the Writ Petition is disposed of granting liberty to the petitioners to file an application before the 3rd respondent informing him that the petitioners are no way concerned with the land in Survey No.434 and on filing such an application, if any, within two weeks from today, the 3rd respondent shall consider the same and take appropriate decision in accordance with law, and communicate the same to the petitioners. If the 3rd respondent is of the opinion that the survey number mentioned in the notice is wrong, he shall accordingly intimate the petitioners and grant further time to respond. This order does not preclude the respondent authorities, to review its decision, if it is wrongly issued, and to take appropriate further course of action in accordance with law. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:02.01.2017

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