

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43618 of 2017

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the apprehension of the petitioner is that the Greater Hyderabad Municipal Corporation (GHMC) authorities may take coercive action and demolish the constructions made by the petitioner in the subject property at Premises bearing No.11-3-105, New Mallepally, Hyderabad, though the petitioner has given an explanation, dated 15.12.2017, in reply to the notice, dated 17.11.2017, issued by the Assistant City Planner, Circle-12, GHMC, Khairthabad (3rd respondent), under Section 461 of the Hyderabad Municipal Corporation Act, 1955.

2. I have heard the submissions of Sri *Ahmed Mohiuddin*, 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 for the Greater Hyderabad Municipal Corporation, appearing for the respondents 2 & 3. I have perused the material record.

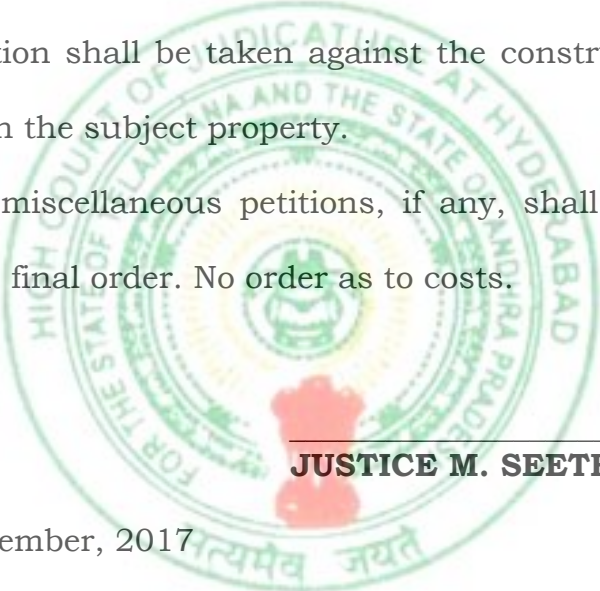
3. Learned counsel for the petitioner would submit that if a direction is given to the 3rd respondent to consider and dispose of the said explanation of the petitioner and the respondents are further directed not to demolish the constructions made by the petitioner till disposal of the said explanation, the ends of justice would be met.

4. Learned Standing Counsel appearing for the respondents 2 & 3 would submit that the building permit was obtained for construction of ground plus one upper floor and parking, but constructions were

made upto third floor and, therefore, the impugned notice was issued. He, however, submits that the explanation of the petitioner would be considered and disposed of.

5. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the explanation, dated 15.12.2017, of the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order, however, in strict accordance with procedure established by law and communicate the decision taken thereon to the petitioner within a week thereafter. It is made clear that till such exercise is completed, no coercive action shall be taken against the constructions made by the petitioner in the subject property.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



JUSTICE M. SEETHARAMA MURTI

Date: 26th December, 2017

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