

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.43135 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘...to issue a writ, order or direction more particularly one in nature of Writ of Mandamus, declaring the proposed action of the respondents in trying to demolish the buildings constructed in Plot Nos.19 to 38 in Sy.No.52, 53 & 54 situated at Nizampet, Quthbullapur Mandal, Ranga Reddy district now presently Bachupally Mandal, Medhcal district pursuant to the impugned notice dated 30.06.2017 without considering the explanation of the petitioner dated 03.07.2017 is ex facie illegal, contrary to law, violative of natural justice as well as Articles 21 and 300-A of Constitution of India and for a consequential order to drop all further proceedings including demolition of individual buildings constructed in Plot Nos.19 to 38 in Sy.No.52, 53 & 54 situated at Nizampet, Quthbullapur Mandal, Ranga Reddy district now presently Bachupally Mandal, Medhcal district and pass such other order or orders...’

At the hearing, learned counsel for the petitioner would submit that the respondent authorities, without considering the explanation, dated 03.07.2017, given by the petitioner in reply to the impugned show cause notice, dated 30.06.2017, have come to the property, on 16.12.2017, and demolished a part of the ground floor of one of the buildings in the subject property and that the only complaint of the respondent authorities is that the subject constructions are not completed within the time allowed under law from the date of building permit. He would further submit that if the writ petition is disposed of with a direction to the 2nd respondent to consider and dispose of the afore-stated representation of the petitioner, the ends of justice would be met.

Learned standing counsel representing the respondents 2 & 3, on instructions, would submit that no officer of the HMDA went to the property, on 16.12.2017, and that no demolition activity was undertaken by any members of staff of HMDA and that the petitioner, having obtained building permissions, which are invalid, is

proceeding with the subject constructions of several villas and that though the permission of HMDA is required for constructing building with ground plus more than one upper floor, no such permission was obtained while constructing a large number of villas and that all the villas are constructed in the subject property illegally and without any valid building permits.

Recording the afore-said submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 03.07.2017, of the petitioner, within ten (10) days from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law, and communicate the decision taken thereon to the petitioner within a week thereafter. Till the afore-stated exercise is completed, the respondents shall not undertake any demolition activity of the subject constructions of the petitioner; and, the petitioner shall maintain absolute *status quo* in the subject property without making any further constructions whatsoever.

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

M. SEETHARAMA MURTI, J

18.12.2017
Vjl