

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.1064 of 2018

ORDER:

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

‘..to issue a writ, order or direction more particularly one in the nature of writ of mandamus – declaring the proposed action of the respondents to demolish the H.No.2-63, Khajaguda Village, Serilingampally Mandal in Ranga Reddy District belonging to the petitioner in pursuance of impugned notices Notice No.11/UC/W.No.105/CIR-20/TPS/GHMC/2017 Dt.30-11-2017 under Section 452(1) & 461(1) GHMC Act and 12/UC/W.No.105/CIR-20/TPS/GHMC/2017 Dt.13-12-2017 under Sec.452(2) GHM Act as illegal, arbitrary, violative of principles of natural justice and provisions of Greater Hyderabad Municipality Act and consequently direct the respondents not to demolish the H.No.2-63 of the petitioner except in accordance with law and to pass such other order/s as this Hon’ble Court deems fit.’

I have heard the submissions of the learned counsel appearing for the petitioner and of the learned standing counsel for GHMC appearing for the respondents 2 to 4.

Learned counsel for the petitioner would submit as follows: - ‘When a notice, dated 30.11.2017, was issued under Sections 452(1) & 461(1) of the GHMC Act, 1955, an explanation was submitted. However, the present notice, dated 13.12.2017, was issued under Section 452(2) of the said Act despite the regularisation application of the petitioner is pending before the authority concerned of the GHMC.’

Learned standing counsel, on instructions, would submit that the regularisation application relates to the ground floor and that the petitioner unauthorisedly laid slabs for first, second and third floors over the existing

ground floor and that no explanation is offered to the latter notice, dated 13.12.2017.

Learned counsel for the petitioner, in reply, would submit that the petitioner would submit an explanation to the latter notice afore-stated and that till such explanation is considered and disposed of the interests of the petitioner may be protected.

Learned standing counsel endorses the said submissions.

Recording the afore-said submissions, the Writ Petition is disposed of and the petitioner is directed to submit an explanation, within two weeks from the date of receipt of a copy of this order, to the notice, dated 13.12.2017, to the 3rd respondent. On the petitioner submitting such explanation, the 3rd respondent shall consider and dispose of the same as expeditiously as possible and preferably within two weeks from the date of submission of the explanation by the petitioner and communicate the decision taken thereon to the petitioner within a week thereafter. Till such exercise is completed, no coercive action shall be taken against the subject property of the petitioner. It is made clear that the petitioner shall in the meanwhile maintain absolute *status quo* without making any constructions whatsoever in the subject property.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

05.01.2018

Vjl