

**THE HON'BLE SRI JUSTICE P. KESHA RAO**

**WRIT PETITION No.2727 of 2016**

**ORDER:**

There is no representation for the petitioner. Heard the learned Standing counsel appearing for the 2<sup>nd</sup> respondent-Municipal Corporation.

The main grievance of the petitioner in this writ petition is that when his application No.G1/829/48/2015/KNR dated 20.12.2015 for regularization of the building H.No.2-10-1473 (Old H.No.2-10-1108) admeasuring 353.43 sq. yards situated at Jyothinagar, Karimnagar town and District, Telangana State, is pending consideration in terms of G.O.Ms.No.152 Municipal Administration & Urban Development (M1) Department, dated 2.11.2015, the 2<sup>nd</sup> respondent-Municipal corporation is taking steps to demolish the said building pursuant to the notice issued under Section 452(2) of the Hyderabad Municipal Corporation Act, vide U.C.Notice.01/UCR/TP&BO/2015 dated 15.12.2015.

It is relevant to mention that in PIL.No.63 of 2016 dated 18.10.2016, the Hon'ble Division Bench of this Court passed the following order:

***“We consider it appropriate, in such circumstances, to modify the earlier order, and direct that the applications for regularization be processed in accordance with the regularization scheme notified in G.O.Ms.No.152 dated 02.11.2015. In case the GHMC or the other Municipal Corporations in the State of Telangana, after considering the applications for***

***regularization, decide to reject the request for regularization, it is open to them to communicate the orders of rejection to the applicants concerned, and thereafter take action for demolition of the illegal structures in accordance with law. In such of those cases where the GHMC, or the other Municipal Corporations, tentatively decide to regularize the illegal structures, such a decision shall merely be recorded in the file, and shall neither be given effect to nor shall it be communicated to the applicants, pending further orders from this Court.”***

In the light of the said order, this Court is of the opinion that unless the said Building Regularization Scheme application is considered and appropriate orders are passed, the 2<sup>nd</sup> respondent-Municipal Corporation cannot demolish the subject premises.

In the circumstances, the 2<sup>nd</sup> respondent-Municipal Corporation is directed to consider the Building Regularization Scheme Application No. No.G1/829/48/2015/KNR dated 20.12.2015 submitted by the petitioner in terms of G.O.Ms.No.152 dated 2.11.2015 and pass appropriate orders, as expeditiously as possible. Till final orders are passed, the 2<sup>nd</sup> respondent-Municipal Corporation is directed not to take any coercive steps.

With the above said directions, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

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**JUSTICE P.KESHAVA RAO**

**Date: 23/04/2018**

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