

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.2807 AND 2989 of 2018

COMMON ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri N. Praveen Kumar, learned Standing Counsel for respondent No.2, from oral instructions and perused the prayers in W.P.No.2807 and 2989 of 2018 with supporting affidavits and other material on record.

2(i). The prayer in W.P.No.2807 of 2018 reads as follows:

“.....to issue an appropriate Writ, Order or Direction, preferably in the nature of a Writ of Mandamus, declaring the action of the Respondents in interfering with the construction activity being undertaken by the Petitioner in accordance with the Sanction vide Permit No.3057/W5/2017/0256 dated 6th April 2017 granted to her, by threatening to demolish the construction as illegal, arbitrary and in violation of the Rights guaranteed under Articles 300-A, 14, 19 and 21 of the Constitution of India and also in violation of the GHMC Act and consequently to direct the Respondents not to interfere in the construction activity being undertaken by the petitioner in accordance with the Sanction granted to her and to pass such other order or orders as this may deem fit just and proper in the circumstances of the case and in the interest of justice.”

2(ii). The prayer in W.P.No.2989 of 2018 reads as follows:

“.....to issue an appropriate Writ, Order or Direction, preferably in the nature of a Writ of Mandamus, declaring the proceedings issued by the Respondent No.2 bearing Proc.No.G1/3057/W5/2017/0256 dated 30.01.2018 and Notice bearing No. File No. G1/02/2018 dated 30.01.2018 as illegal, arbitrary and in violation of the Rights guaranteed under

Articles 300-A, 14, 19 and 21 of the Constitution of India and also in violation of the Telangana Municipalities Act and consequently to set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

3. The impugment in W.P.No.2989 of 2018 is in issuing the proceedings by revocation of the permission, dated 06.04.2017, for construction of G+1 residential building in plot No.20/1 in Sy.No.150 of N.G.O. Colony, on the sole ground of it is outcome of misrepresentation. The main contention in the written instructions is that from the layout plan 423 of 1979, there is no plot No.20/1, as such, but for only plot No.20.

4. The core of the contention of the learned counsel for the petitioner in the two writ petitions is, they cannot take law to their hands to demolish and there is no even opportunity pursuant to the said layout and the application and the permission already granted to explain.

5. Having regard to the above, the two writ petitions are disposed of, giving one week time to respondent No.2-Municipality to issue show-cause notice to the petitioners and the petitioners shall submit the explanation within one week from the date of receipt of a copy of the same and thereafter respondent No.2 shall pass appropriate orders with reasons. In the meantime, both parties shall maintain existing *status quo* with a clarity that respondent No.2 shall not demolish nor

petitioners can make any further construction or alteration to the existing structures. Further remedies, if any, are left open.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

2nd February 2018

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