

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

Writ Petition No.3356 of 2018

ORDER

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Municipal Administration & Urban Development, Telangana for R.1 and Rangeli Lakshmi standing counsel for R.2 and Sri M.Ajay Kumar learned standing counsel for R.3 on oral instructions before ordering notice to the unofficial 4th respondent with supporting affidavit including impugned notice dated 05.01.2016 and the order of Division Bench of this Court (First Court), dt. 18.10.2015 in W.P.No.5130 of 2016 and batch and other material on record.

The prayer in the Writ Petition reads as follows:-

‘to issue such appropriate writ, order or direction, more so particularly one in the nature of Mandamus declaring the action of second respondent in making attempts to demolish the house of the petitioner bearing H.No.23-6-145/ 4/ A, situated at Gayatri colony, Hunter Road, Warangal during pendency of the application of the petitioner for regularization of the building under building penalization scheme, as arbitrary, illegal and in violation of principles of natural justice and pass such other order as the Hon’ble Court may deem just in the circumstances of the case.”

From the Division Bench order supra, it is very clear that in case where the applications for regularization filed before 01.03.2016, it is open to the Municipal authorities to consider. In the meantime, they shall not take any action for demolition but for where applications not filed in time.

Having regard to the above and on perusal of the record shows, the application is filed in time pursuant to the regularization. The

respondent shall not take any coercive steps unless the application for regularization is finalized and communicated to the petitioner.

Accordingly and in the result, the Writ Petition is disposed of. Consequently, Miscellaneous Petitions, if any, pending in this appeal, shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:02.02.2018
vvr

