

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7488 of 2018

ORDER:

Petitioner challenges the very jurisdiction of respondent No.4 - Somaram Gram Panchayat for issuing the impugned show cause notice on the ground that it is only the Hyderabad Metropolitan Development Authority (HMDA), who is authorized to take action to demolish/dismantle the illegal structures.

Sri G.Narender Reddy, learned Standing Counsel for respondent No.4 - Somaram Gram Panchayat, submits that, as on date, HMDA has not granted permission and petitioner is making construction within the jurisdiction of the Gram Panchayat.

Once there is no permission, Gram Panchayat cannot be denuded of the powers vested in them, and the petitioner cannot make construction without permission either from the HMDA or Gram Panchayat. Admittedly, there being no permission from HMDA as on date, issuance of notice by respondent No.4 - Somaram Gram Panchayat cannot be faulted. As the petitioner states that the application made to the HMDA is pending, there shall be stay of demolition of the constructions existing as on date. Petitioner by giving notice to respondent No.4 - Somaram Gram Panchayat take a video, record the stage of

construction as on date and keep the record with the Gram Panchayat. Any violation of the orders of this Court shall be viewed seriously, and petitioner shall be liable to be punished for violation of the stay orders. It is also made clear that this Court shall not come in the way of HMDA from processing the petitioner's application for construction.

With the above observations, the Writ Petition stands disposed of. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 14.03.2018
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