

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.8103 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Sri P. Standing Counsel offers to appear from the oral instructions on behalf of respondents 2 to 4 for the submission that the writ petition can be disposed of and perused the prayer in the writ petition with supporting affidavit and building permission granted on 16.09.2013 and impugned notice dated 19.02.2018,

2. The prayer in the writ petition reads as follows:

“.....to issue an appropriate writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of respondents No.2 to 4, in threatening to demolish the structure raised by the petitioner over Plot No.37, in Sy.No.137, situated at Bheemaram Village, Hasanparthy Mandal, Warangal District, without following dueprocedure of law, as illegal, arbitrary, violative of principles of natural justice and violative of Article 14 and 300-A of the Constitution of India, and consequently, direct respondents NO.2 to 4 not to demolish the structure without following dueprocedure of law and to pass such other order or orders as this Hon'ble Court may...”

3. It is stated in the affidavit filed in support of the writ petition that though the permission was granted on 16.09.2013, because of funds constrained, the building could not be completely constructed, he filed application seeking permission on 15.09.2017 again by payment of requisite fee of Rs.10,000/- with application file No.3006/ 8727/ W57/ 2017,

which is kept pending with respondent No.2-Warangal Municipal Corporation for the past six months and instead of disposal of the same, they issued notice under Sections 452 and 461 of the Greater Hyderabad Municipal Corporation Act (for short 'the Act') served on the watchman of the premises on 28.02.2018 alleging the construction started without permission, for which he already issued a reply dated 06.03.2018, which respondent No.2 acknowledged and still without considering the same, they are going to take steps to demolish the subject property by taking law into their hands and visited the property including on 09.03.2018, which made the petitioner, to approach this Court in seeking the relief.

4. It is the submission of the learned Standing Counsel that the approved plan issued on 16.09.2013 was expired for the construction not completed within two years as per clause No.3 of the very conditions of the plan of the construction to be completed within 24 months there from and all of sudden, started making further construction, which made them to issue notice and by considering his explanation submitted, they will pass appropriate orders.

5. Having regard to the above, this Writ Petition is disposed of directing the respondents not to demolish the existing construction and directing the petitioner not to make any

further construction pending disposal of his representation to the show cause notice issued by respondent No.2 under Sections 452 and 461 of the Act, after opportunity of being heard, within six months from the date of receipt of copy of this order and communicate the same to the petitioner.

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

Dr. B. SIVA SANKARA RAO, J

Date: 13.03.2018
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