

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.15972 of 2016

Date :19.2.2018

Between :

Dr.P.V.Gopala Krishna S/o P V Laxman Rao
80 years R/o Flat NO. 201
The Legent Pulijala
3-4-87/8 Barkatpura, Hyderabad

Petitioner

And

State of Telangana
Rep by Secretary Municipal Administration,
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner was granted building permission on 8.4.2003 to construct stilt plus five upper floors. Stilt was meant for parking with small shop, toilet and lift room located on the north western corner of the building. Building was constructed and occupied. While so, some of the residents complained to the Greater Hyderabad Municipal Corporation (for short GHMC) that contrary to the building permission, petitioner constructed room measuring 41.875 sq.mts on south west corner, causing hardship in parking the vehicles. On the complaint, GHMC issued notice dated 10.4.2016 under Sections 452 (1) and 461 (1) of HMC, Act, 1955. Challenging the said notice, this writ petition is filed.

2. At the stage of admission, this Court by order dated 10.6.2016 directed maintenance of status quo by both parties. The status quo order was extended until further orders on 20.7.2016. By order dated 17.1.2017 learned single Judge of this Court, directed listing of the writ petition for final hearing in usual course. By then, 4th respondent filed vacate petition praying to vacate the status quo order. As the vacate petition was not considered but writ petition was directed to be listed for final hearing, 4th respondent herein preferred W.A.No. 297 of 2017. Division Bench by order dated 20.3.2017 set aside the order posting the writ petition for final hearing and directed the single Judge to take up the vacate petition. Accordingly, the vacate petition is listed.

3. Though, the vacate petition is listed for hearing as per the directions of the Division Bench, when the matter is taken up, counsel

appearing on either side consented for final disposal. As such the writ petition itself is taken up for final hearing.

4. While it was asserted by learned counsel for petitioner that petitioner has not violated the building permission granted by GHMC, that the constructed area against which show cause notice issued was constructed as per the specifications only, whereas learned counsel for 4th respondent asserted that in deviation of the building permission petitioner has constructed a shop on the south west corner causing lot of hardship in parking vehicles in cellar, the Court deemed it fit to direct the Deputy Commissioner, GHMC, Circle 9-B, Abids, Hyderabad to conduct physical inspection of the building in the presence of petitioner as well as unofficial respondent, to take photographs of the area constructed, specify the area constructed and place where subject property was constructed and to file a report.

5. The Deputy Commissioner filed report by memo dated 15.2.2018. The report clearly points out that as against sanctioned plan to construct shop measuring 10.53 sq mts. in the north-east corner of stilt floor, room was constructed in stilt floor towards south west corner measuring 41.875 sq mts. In other words, petitioner has not only constructed room contrary to the building permission but constructed with higher dimensions than originally sanctioned. Thus, there is clear deviation in constructing the room by the petitioner, contrary to the building permission. In view of the admitted facts, I do not see any illegality in the show cause notice issued by GHMC warranting interference by this Court.

6. The writ petition deserves to be dismissed and accordingly is dismissed. Petitioner is granted ten days time from today to remove his belongings from the subject room standing on the south west corner of

the subject building in the stilt floor. GHMC shall take appropriate further steps after expiry of 10 days time granted above. No costs. All pending miscellaneous petitions are closed.

P NAVEEN RAO,J

DATE: 19.2.2018

TVK

Note : Issue copy in 3 days



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