

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.11808 of 2018

ORDER:

According to the petitioner, she purchased an extent of 300 Sq.Yds., equivalent to 250.8 Sq.Meters, situated in Sy.No.20 of Bahlookhanguda, Balkampet, Hyderabad, bearing Muncipal No.7-1-282/C/1/30, constructed on plot No.30. After the advent of Telangana Regularization of Unapproved and Illegal Layout Rules, 2015 (hereinafter, referred to as 'the Rules'), notified vide G.O.Ms.No.151, M.A. & U.D. (M1) Department, dated 02.11.2015, the petitioner herein made an application to the respondent-authorities on 08.11.2015 for regularization of the said plot. On 24.03.2018, in response to her application for regularization, the respondent-authorities sent an SMS message requesting the petitioner herein to pay a sum of Rs.15,05,719/-.

According to the learned Counsel for the petitioner, the insistence of payment of that much of amount is highly illegal, arbitrary and unreasonable and not inconsonance with the Rules. The subject dispute is only with regard to payment of prorata open rate charges only as per Rule 8 of the said Rules. According to the learned Counsel for the petitioner, the said amount is highly exorbitant and not permissible, as per the said Rules. It is the further submission of the learned Counsel that without issuing any show-cause notice, before arriving at such an exorbitant figure, the respondent-authorities issued the notice, dated 24.03.2018. It is further submitted that had an opportunity been given to the petitioner, the impugned Order would not have emanated.

On the other hand, Sri L.Venkateshwarlu, learned Standing Counsel for respondent-Municipal Corporation, submits that there is no illegality nor there any infirmity in the impugned Order and only in accordance with the provisions of the Rules, the amount has been insisted upon by the respondent-Corporation. A counter affidavit is also filed by the respondent-Corporation.

The principal grievance, as advocated by the learned Counsel for the petitioner, during the course of arguments, is that the impugned action is violative of principles of natural justice as no opportunity was given to the petitioner herein by the respondent-authorities before resorting to the impugned action. It is also not in dispute that the said insistence was not preceded by any notice to the petitioner herein. On this ground alone, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the respondent-Municipal Corporation to reconsider the issue and pass appropriate Orders after hearing the petitioner herein. The petitioner herein is also given two weeks time to file objections to the notice, dated 24.03.2018, and while passing the fresh orders, the respondent-authorities shall consider the said objections also and pass appropriate Orders, strictly in accordance with law.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date :24.09.2018
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