

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 10122 OF 2009

ORDER:

The writ petition is filed questioning the Notice dated 27.04.2009 issued by respondent No.3-the Assistant City Planner, Quthbullapur, Circle-15, GHMC, Hyderabad, directing the petitioner to demolish his building bearing H.No.42-156, situated at Anjaiah Nagar, Jagathgirigutta, Hyderabad.

2. The case of the petitioner is that the petitioner occupied an extent of 80 square yards, situated in Sy.No. 348/1, bearing H.No.42-156 (old No.37-154/167), AnjaiahNagar, Jagathgirigutta, Quthbullapur Mandal, Rangareddy District, about 25 years ago and constructed a temporary house thereon. Subsequently, the Mandal Revenue Officer, assigned the land to an extent of 50 square meters, out of 80 square yards vide G.O.Ms.No.4975, Revenue Department, dated 10.10.1981; thereafter, the petitioner demolished the old house and constructed a house consisting of ground + first floor within the boundaries of the plot; Respondent No.2 issued impugned notice dated 19.01.2009 informing the petitioner that the A.P.Lokayukta, Hyderabad,

suo-moto, had taken the issue of unauthorized construction of the subject building and passed a Judgment directing the petitioner to remove the balcony and accordingly, directed the petitioner to remove the balcony of his building; aggrieved by the same, the petitioner filed a writ petition in WP No.959 of 2009 seeking to set aside the order of Lokayukta dated 30.12.2008 and consequential notice of respondent No.2 dated 19.01.2009; again on 13.03.2009 respondent authorities served a notice, under section 461 of the A.P.Municipal Corporation Act, on the petitioner to remove the unauthorized construction made by him in the said property. The petitioner submitted his explanation on 28.03.2009 requesting to grant exemption as per G.O.Ms.No.422, M.A., dated 31.07.1998, as per which, prior permission is not necessary for residential building in an extent of 100 square meters; without considering his explanation, respondent No.3, Assistant City Planner issued the impugned Notice dated 27.04.2009. Hence, this writ petition.

3. Heard learned counsel for the petitioner and learned Standing Counsel for the respondents-GHMC.

4. Learned counsel for petitioner submits that subsequent to the filing of the writ petition, the Government has introduced the scheme for regularization of unauthorized constructions and seeks liberty to the petitioner to file an application for regularization of his building.

5. Learned Standing Counsel for the respondent-GHMC did not oppose for the same.

6. In view of the same, the writ petition is disposed of giving liberty to the petitioner to file an application before the respondent authorities seeking regularization of his building within a period of two (02) weeks from the date of receipt of a copy of this order and on filing such application, the respondent authorities shall consider and dispose of the same in accordance with law. No costs.

7. Miscellaneous Petitions, if any, pending in the writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

1st November, 2018
Mjl/*