

HON' BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

W.P. No. 3101 of 2013

ORDER:-

This writ petition is filed seeking to declare action of the respondent in attempting to demolish the Tin Sheet Shed constructed by the petitioner in an extent of Ac.0.05 cents in Sy.Nos.108/ 8, 898/ 1 and 990 of Prakashnagar, Kadapa, Y.S.R. District, as arbitrary and illegal.

The case of the petitioner is that the subject property was assigned in favour of the petitioner's mother through D-Form patta on 20.12.1991 and after his parents passed away, he inherited the subject property and as the thatched house was in dilapidated condition, the petitioner removed the thatched house and constructed a Tin Sheet Shed therein.

The learned counsel for the petitioner has contended that the respondent, without issuing any Notice under Section 451(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955, directly issued Notice dated 23.12.2012 as contemplated under Sections 452(2) and 461(2) proposing to demolish the constructions made by him. He further submits that the petitioner is ready to file an application with all necessary documents under Section 455-A of the G.H.M.C. Act seeking regularization of the building constructed without sanction plan.

In view of the above submission, the petitioner is given liberty to file a fresh representation before the respondent within a period of two weeks from the date of receipt of a copy of this order, and on such representation being filed, the respondent is directed to consider the same and pass appropriate orders thereon, in accordance with law, within a period of six weeks from the date of filing such representation. However as this Court, on 01.02.2013, directed that demolition should not take place and that the petitioner was also directed not to make any further construction including any additions or alterations in the existing structure, the same order would continue till the petitioner's representation is disposed of by the respondent, however, if no such representation is filed within the stipulated time, the respondent is at liberty to take action in accordance with law.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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KONGARA VIJAYA LAKSHMI, J

04.12.2018

bcj