

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10363 of 2009

O R D E R:

Petitioner-M/s.PSK Hotels asserts that its neighbour, respondent No.3, is making illegal and unauthorized constructions in house bearing No.6-2-11/2, Opposite Lotus Hospitals, Lakdikapul, Hyderabad, without obtaining permission and in violation of the revised Building Regulations, as such, it submitted a complaint/representation before respondent Nos.1 and 2. It also asserts that its Managing Partner's father also submitted a complaint/representation on 05.05.2009 before respondent No.2, but no action has been taken so far. Hence, this writ petition seeking a Mandamus.

Respondent Nos.1 and 2 filed a counter-affidavit, wherein they admitted the receipt of the complaint submitted by the petitioner and denied the allegation that no action was taken by stating that notices under Sections 461 and 452 of the Greater Hyderabad Municipal Corporation Act (for short 'the Act') were issued to respondent No.3 and that respondent No.3 submitted a representation by stating that his application under Building Regularization Scheme (BRS) was under consideration and that when notice under Section 636 of the Act was issued to respondent No.3 for demolition of unauthorized constructions, respondent No.3 filed W.P.No.10107 of 2009 seeking a direction not to demolish the constructions made by him, pending disposal of BRS application. They further stated that since respondent

No.3 submitted the BRS application after the cutoff date i.e. 15.12.2007, the same was rejected *vide* letter, dated 10.02.2010. They also stated that further action would be taken as per law.

There is no representation for respondent No.3 nor any counter-affidavit is filed denying the allegations mentioned in the writ affidavit.

On 21.05.2009, while admitting the writ petition, this Court directed respondent Nos.1 and 2 to consider the representation of the petitioner and pass appropriate orders.

Heard learned counsel for the petitioner and learned Standing Counsel for respondent Nos.1 and 2.

From a perusal of the counter-affidavit filed by respondent Nos.1 and 2, it is clear that the Corporation issued a notice to respondent No.3 and rejected his BRS application *vide* letter, dated 10.02.2010. But, they have not stated as to the further action taken by them. On the last occasion, time was granted to the learned Standing Counsel for the Corporation to get latest instructions in the matter, but when the matter is taken up today, there is no information forthcoming. It may be noted that having issued a notice under Section 636 of the Act and having rejected the BRS application submitted by respondent No.3 on 10.02.2010, respondent Nos.1 and 2 have not taken further steps for demolition of the unauthorized constructions, which is nothing but allowing the unauthorized constructions to remain.

In those circumstances, the writ petition is disposed of with a direction to the respondent Corporation to take appropriate steps for removal of the unauthorized constructions made by respondent No.3, in toto, within a period of eight weeks from the date of receipt of a copy of this order. However, an opportunity may be given to respondent No.3 to remove the unauthorized constructions before resorting to demolition.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:16.08.2018

kdl

CHALLA KODANDA RAM, J

