

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.12389 OF 2009

ORDER

This writ petition is filed for the following relief:

“...to issue a Writ order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the respondents in directing the petitioner to remove the pent house bearing Flat No.601, Maa Gayathry Avenue bearing Municipal No.6-3-602/9 situated at Erramanzil, Somajiguda, Hyderabad, as being illegal, arbitrary, without jurisdiction apart from violation of principles of natural justice and contrary to the provisions of Hyderabad Municipal Corporation Act, 1955, as well as G.O.Ms.No.901, Municipal Administration and Urban Development (M1) Department, dated 31.12.2007 and consequently direct the respondents to forbear from demolishing any part of the subject property unless and until the regularization claim of the petitioner relating to the construction of subject property is considered in accordance with law and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

It is the case of the petitioner that with respect to certain deviations in making the construction, he had filed an application on 29.4.2008 seeking regularization in terms of G.O.Ms.No.901 dated 31.12.2007. As the respondent authorities have visited the premises on 23.06.2009 and directed him to remove the constructions without following the procedure prescribed under the Hyderabad Municipal Corporation Act (for short 'the Act'), the petitioner had approached this Court by filing the present writ petition.

Counter-affidavit is filed on behalf of respondents 2 and 3, wherein it is admitted that the petitioner had filed an application seeking regularization of Flat No.601, *vide* application No.6445/BPS/6-3/CX/CZ/2008 and the same would be considered as per the norms in force. However, the allegation that the petitioner was threatened to remove the said structure covered under BPS is denied and as the writ petition is filed based on mere apprehension, the same is liable to be dismissed.

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

While admitting the writ petition on 24.06.2009, this Court *vide* WPMP No.16018 of 2009 granted stay of demolition till the petitioner's application for regularization is decided.

Since the writ petition is of the year 2009 and considering the facts and circumstances of the case, this writ petition can be disposed of directing the respondents to consider the application of the petitioner in terms of G.O.Ms.No.901, dated 31.12.2007 and pass appropriate orders thereon within a period of eight weeks from today, if not already passed, strictly adhering to the norms. Till such time, no coercive steps shall be taken against the petitioner.

However, it is made clear that this Court is not expressing any view in respect to the eligibility or otherwise of the petitioner for consideration of his case in terms of the said G.O.Ms.No.901.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE CHALLA KODANDA RAM

28th June, 2018
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