

THE HON'BL SRI JUSTICE P.KESHA RAO

WRIT PETITION No. 16860 of 2016

ORDER:

Heard the learned counsel for the petitioner learned standing counsel appearing for the respondents 2 and 3.

The prayer in the writ petition is as under:

“Hon’ble Court may be pleased to pass an order, direction or Writ of Mandamus declaring acts of the respondents in issuing order notice No. 5/126/1/14 /ACP/C5/SZ /GHMC/2016 dated 23.05.2016 in respect of the scheduled property bearing Municipal Nos.14-1-126/5 and 14-1-126/A/3 situated at Seetarampet, Hyderabad, thronging to take action u/s. 636/596/461 (4) and 461-A of the Greater Hyderabad Municipal Corporation Act, 1955 as illegal, arbitrary, unreasonable, against law, the principles of natural justice and other rules and regulations and consequently direct the respondents not to demolish the structures of the petitioner over said property in the interest of justice and pass such other order or orders.”

The main grievance of the petitioner in the writ petition is that he has submitted an application No.2000000638 dated 26.11.2015 under Building Regularization Scheme for regularizing of the deviations and unauthorized constructions made by him by paying requisite fee and the same is under consideration. However, during the pendency of the said application, the 2nd respondent-Corporation has issued notice under Section 452(2) of the Hyderabad Municipal Corporation Act, 1955 vide Notice No.5/126/1/4/ACP/C5/SZ/GHMC/2016 dated 23.5.2016 asking

the petitioner to show-cause why the unauthorised constructions should not be removed. He was also asked to ensure that no further construction will take place. Regularization of the buildings vide G.O.Ms.No.152 dated 15.12.2015 is clearly covered by the order of the Hon'ble Division Bench of this Court in PIL.No.63 of 2016, which is as under:

“We consider it appropriate, in such circumstances, to modify the earlier order, and direct that the applications for regularization be processed in accordance with the regularization scheme notified in G.O.Ms.No.152 dated 02.11.2015. In case the GHMC or the other Municipal Corporations in the State of Telangana, after considering the applications for regularization, decide to reject the request for regularization, it is open to them to communicate the orders of rejection to the applicants concerned, and thereafter take action for demolition of the illegal structures in accordance with law. In such of those cases where the GHMC, or the other Municipal Corporations, tentatively decide to regularize the illegal structures, such a decision shall merely be recorded in the file, and shall neither be given effect to nor shall it be communicated to the applicants, pending further orders from this Court.”

In the light of the same, the 2nd respondent-Corporation is directed to dispose of the application dated 26.11.2015 submitted by the petitioner under Building Regularization Scheme. If the application is otherwise in order, the same can be considered. In the event of application filed under Building Regularization Scheme is rejected, the 2nd respondent-Corporation is at liberty to take up further course of action. It is needless to observe that till the application filed under Building Regularization Scheme is disposed

of, the 2nd respondent-Corporation shall not take any coercive steps.

With the above directions, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. No order as to costs.

JUSTICE P.KESHA RAO

Date:27/04/2018

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