

HON'BLE SRI JUSTICE P.KESHAHA RAO

W.P.No.1989 OF 2016

ORDER:

Heard the learned counsel for the petitioner as well as the learned standing counsel appearing for the respondents.

2. The prayer in the writ petition is as under:

“To issue an appropriate writ or order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 2nd respondent in trying to demolish the petitioner's property bearing D.No.6-6-78, 6/4 Arundelpet, Guntur as illegal, arbitrary, violative of principles of natural justice, contrary to provisions of Greater Hyderabad Municipal Corporation Act, 1955 and violative of provisions under Article 21 and 300A of the Constitution of India and consequently, direct the respondents not to interfere with petitioner's property in any manner and pass such other or further order or orders as are deem fit and proper in the circumstances of the case.”

3. The facts of the case are that the mother of the petitioner purchased the property to an extent of 124 sq.yds. in T.S.No.549, New Ward No.4, bearing D.No.6-6-78, 6/4 lane, Arundelpet, Guntur on 12.10.1983 in the name of the petitioner while he was minor, from one Poluri Mahalakshamma vide document No.8474 of 1983. In the year 1992, the mother of the petitioner died. Subsequent to her death, the petitioner has been in continuous possession and enjoyment of the above said property.

4. While so, the petitioner with an intent to construct a building, applied to 2nd respondent seeking permission for construction of ground + first floor in the year 2011. The 2nd

respondent approved the plan vide reference No.2011-2012/BAP/1135 G2 dated 14.10.2011. Pursuant to the said permission, the petitioner has constructed the building. Since there are deviations and also seeking regularization of the second floor, which is over and above the permitted floors, the petitioner has applied under the Building Penalization Scheme on 26.07.2015 under Section 455A and 455AA of Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') vide application transaction I.D.No. BPS/GUN/ MO/17/4792815. According to the petitioner, the said application is still pending consideration with the 2nd respondent-Corporation.

5. The learned standing counsel appearing for the 2nd respondent-Corporation would submit that the statutory notices as contemplated under Sections 452 and 461 of the Act are not issued to the petitioner since the application filed by him for regularization under the Building Penalization Scheme is pending consideration. He also informed that the Corporation would consider the said application and pass appropriate orders.

6. Keeping in view the statement made by the learned standing counsel for the 2nd respondent-Corporation across the Bar, the Writ Petition is disposed of with a direction to the 2nd respondent-Corporation to consider and pass appropriate orders on the application dated 26.07.2015 submitted by the petitioner for regularization of the building, within two months from the date of receipt of a copy of this order. It is needless to mention that till the final orders are passed on the application dated 26.07.2015, the 2nd respondent-Corporation is directed not to take any coercive

steps. At the same time, the petitioner is also directed not to make any further constructions. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

P.KESHA RAO,J

18th April 2018
Tsr

