

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.30094 OF 2018

ORDER :

Heard learned counsel for the petitioner, Sri Neeli Ashok Kumar, learned Standing Counsel for GHMC, appearing for respondent Nos.1 and 2, and Sri K.Sai Rama Murthy, learned counsel, appearing for respondent Nos.3 and 4.

The inaction, on the part of the respondent Nos. 1 and 2, in considering the representation of the petitioner herein, requesting to initiate action against the alleged illegal and unauthorised construction raised by respondent Nos.3 and 4, is under challenge in the present Writ Petition.

A counter-affidavit, deposed by the third respondent herein, is filed. Paragraph No.6 of the said counter reads as under:

"I submit that, most of the averments made in paragraph No.4 of affidavit are false and untenable and the petitioner is put to strict proof of the same. I submit that, the appeal A.S.No.118/2018 filed by us is still pending and the application filed for injunction is also pending. Therefore, the petitioner approaching the 2nd respondent and requested to take action for which they submitted representation on 01.04.2018 and another representation on 05.04.2018 for removal of illegal and unauthorised constructions raised by us, is not known to us since we are not parties to the said representation. I submit that, the petitioner himself is an encroacher and made illegal constructions without

any sanction plan and on 19.12.2012, I made an application to the 1st respondent herein to issue sanction plan with respect to the constructions made at H.No.14-5-314 to 316, Shah Inayath Gunj, Hyderabad for which I received a reply from the 1st respondent and the 1st respondent has categorically stated that, having verified the records from 2001 to 2013, no building permission has been sanctioned by their office in respect of H.Nos.14-5-314, 315 and 316 at Shah Inayath Gunj, Hyderabad and also stated that, documents are not available in their office for seeking permission for construction and sanction plan of the petitioner's house and also that, no application is filed by the petitioners under Building Regularization Scheme before the 1st respondent. I submit that, therefore, the petitioner himself violated the rules and made illegal constructions without even obtaining permission or sanction plan and in turn complaining against us as if we have made illegal constructions. I submit that, our applications are pending before the respondents No.1 and 2 under BRS Scheme".

While referring to the above said paragraph, it is submitted by the learned Standing Counsel that, after the BRS application, filed by the respondent Nos.3 and 4, is disposed of, appropriate further action will be taken, strictly in accordance with law.

Recording the above submission, Writ Petition is disposed of, directing the respondent-GHMC to pass appropriate orders on the BRS application, filed by the respondent Nos.3 and 4 herein, as expeditiously as possible, preferably within a period of three

months from the date of receipt of a copy of this order, and, subject to the outcome of the same, further action, if warranted, shall be taken, strictly in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

12th September, 2018
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A.V.SESHA SAI, J

