

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43998 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, the Petitioner herein prays that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS by declaring the action of the officials of the Respondents 2 and 3 in trying to demolish the petitioner's Room constructed in 19 Sq.Yards of land in House Bearing No. 8-2-548/23, situated at Road No. 7, Banjara Hills, Hyderabad as illegal, arbitrary, unlawful, against the principles of Natural Justice and violation of Articles, 14, 21 and 300A of the Constitution of India and consequently direct the respondents 2 and 3 not to interfere/demolish with the peaceful possession and enjoyment of the petitioner's Room constructed in 19 Sq.Yards of land in House Bearing No. 8-2-548/23, situated at Road No. 7, Banjara Hills, Hyderabad without following due process of law and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *M.Saleem*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, representing the respondents 2 & 3. I have perused the material record.

3. Learned counsel for the petitioner would submit that even though there is no building permit, in a small area of an extent of 25 square yards, a room is proposed to be constructed that too at

the first floor level and that as on today, only pillars are raised to certain level and that when there is a threat of demolition, the present writ petition is filed and the petitioner may be given liberty to approach the Municipal Corporation and apply for building permit. He would also submit that if the writ petition is disposed of directing the 2nd respondent authority to follow the procedure established by law, the ends of justice would be met.

4. Learned Standing Counsel appearing for the respondents 2 & 3 would submit that the petitioner is proceeding with constructions without a building permit and that the Municipal Corporation would follow the procedure established by law.

5. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with the constructions already made by the petitioner, except by following the procedure established by law. It is made clear that the petitioner shall not make any further constructions in the subject property whatsoever and shall maintain absolute *status quo*. This order shall not preclude the petitioner from pursuing the remedies, which the law permits.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 2nd January, 2018

KL

163

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**WRIT PETITION No.43998 of 2017**Date: 2nd January, 2018

KL