

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.1499 OF 2019

ORDER

Petitioner, in this writ petition, challenges the notice issued by the 2nd respondent – Greater Hyderabad Municipal Corporation, represented by its Commissioner, vide No.660/4/21/TPS/ACP/C9/GHMC/2018 dated 27-12-2-18 under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

It is the case of the petitioner that the impugned notice came to be issued at the instance of unofficial respondent No.6, against whom he had earlier filed W.P.No.34984 of 2017, complaining that he is making illegal constructions. When the action was sought to be initiated against the unofficial respondent No.6, he filed suit in O.S.No.2711 of 2017 on the file of IV Junior Civil Judge, City Civil Court Hyderabad, and the temporary injunction application filed in the said suit in I.A.NO.494 of 2017, also came to be dismissed. As a counter blast, unofficial respondent No.6 filed W.P.No.16595 of 2018, and this court vide order dated 02.07.2018, disposed of the writ petition at the stage of admission, directing the official respondents to act on the representation of unofficial respondent No.6 dated 16-11-2017, and only on the basis of the said representation, the impugned notice came to be issued.

Learned counsel, based on the averments made in the affidavit filed in support of the writ petition, submits that the petitioner has purchased the subject property under a registered sale deed vide document No.670 of 2003 dated 20-06-2003 and the petitioner is a retired person and as the building purchased

by him was in a dilapidated condition, constructed ground plus two floors and filed application under Building Regularization Scheme vide application No.2000122582 dated 26-02-2016 and the same is pending consideration. He submits that to the impugned notice dated 27-12-2018, the petitioner filed explanation on 07-01-2019 and without considering the said explanation and passing any orders, the respondent authorities are contemplating to take steps for demolition.

On the other hand, Sri Pasham Krishna Reddy, learned Standing Counsel for Municipal Corporation – respondents 2 to 5, submits that the fact that petitioner has filed application dated 26-02-2016 under Building Regularization Scheme, is a proof positive, that he made unauthorized construction. Learned Standing Counsel further submits that the impugned notice came to be issued in pursuance of the direction of this court in W.P.No.16595 of 2018 dated 02.07.2018, and a reading of the impugned notice goes to show that the petitioner was directed to produce ownership and link documents and sanctioned plan, in respect of the construction made by him. He submits that as on today, no steps are being taken for demolition and that due procedure will be followed.

Having regard to the respective submissions and considering the fact that only notice came to be issued and the petitioner submitted his explanation, the writ petition is disposed of making it clear that without passing any orders, duly considering the explanation of the petitioner, dated 07-01-2019, as mandated under the Act, no coercive steps shall be taken against the petitioner in respect of the subject property.

Interlocutory applications pending, if any, shall stand closed. No costs.

DATE:28—01—2019
AVS

CHALLA KODANDA RAM,J