

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.1565 of 2019

ORDER:

The writ petition is filed declaring the action of the Respondent authorities in trying to remove the steps from the petitioners' slab to main road without following due process of law, as illegal, arbitrary and violation of principles of natural justice.

2. It is asserted in the writ affidavit that the petitioners have constructed the subject building after obtaining permission from the Respondent authorities without any deviation. It is the assertion of the petitioners that though the subject steps fall within the petitioners' land, the Respondent authorities, without following due process of law, are trying to remove the said steps. It is further asserted by the petitioners that though there are number of constructions made in the vicinity in utter violation of the building regulations and sanctioned plan, no action was taken by the Respondent Corporation, but the petitioners are being treated with hostile discrimination, thereby violating Article 14 of the Constitution of India.

3. Sri Sampath Prabhakar Reddy, learned Standing Counsel appearing for the Respondent Corporation submits that the allegation of the petitioners that without issuing any notice, the Respondent authorities are contemplating to remove the subject steps is false. As a matter of fact, a notice dated 11.10.2018 has been issued, specifically putting on notice that the petitioners have constructed steps unauthorisedly for opening access towards proposed Bus Bay on main road in deviation to the sanctioned plan and without obtaining prior permission from GHMC and that on earlier occasion, the said steps were in fact removed and once again the petitioners reconstructed the

steps illegally, with a further direction to remove the same within 24 hours. As the petitioners failed to comply with the same, the impugned action has been taken. Learned Standing Counsel further asserts that the petitioners even after demolishing the steps on 2.11.2018, once again in defiance had made constructions. The learned Standing Counsel further submits that as the petitioners are asserting that no notice was given, the Respondent Corporation will issue a fresh notice granting liberty to the petitioners to submit explanation and thereafter further action will be taken.

4. Having regard to the respective submissions and in the interest of justice, the writ petition is disposed of, with a direction to the Respondent authorities to issue notice to the petitioners and call for explanation and thereafter take action if the constructions are made in violation of the building regulations and sanctioned plan. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date: 5.2.2019
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CHALLA KODANDA RAM, J

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