

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5076 of 2019

ORDER:

Petitioner asserts that he is the owner and possessor of house bearing No. 3-5-141/3/Open/4, situated at Upperpally Village, GHMC Rajendranagar Circle, Ranga Reddy District, having purchased the same under a registered sale deed, dated 13.07.2006, and that thereafter, he has not made any construction, however, the respondent authorities are threatening to demolish the unauthorised construction made by him though there were no deviations whatsoever. Hence, he seeks a writ of mandamus.

Learned Standing Counsel for respondent Nos.2 and 3 submits that as a matter of fact, the petitioner has suppressed the fact that on 09.01.2019, a notice was issued to him and his submission of explanation on 22.01.2019. He placed before this Court the photographs evidencing that there are additional constructions in the subject house though they have not been specified in the sale deed executed in favour of the petitioner. He also submits that even as per the sale deed, the vendor of the petitioner, by name, Mohammed Mathloob Ahmed S/o. late Mohammed Rasheed Ahmed had made online application bearing No.2000002572, dated 03.12.2015, seeking regularisation of the unauthorised construction of ground/stilt and first floor and paid regularisation charges of Rs.34,416/-.

In the facts of the present case, the material filed by the petitioner itself discloses that probably, for the purpose of avoiding payment of additional stamp duty, the construction made by the vendor of the petitioner was not shown in the sale deed. The assertion of the

petitioner that he purchased 200 square feet (ACC) open plot is palpably false and even in the notice, dated 09.01.2019, the respondent authorities set out the unauthorised construction of ground floor without permission. In anticipation of construction to be made by him, the vendor of the petitioner submitted the regularisation application so as to enable him to carry on the construction and to claim afterwards that the said construction has been regularised, as the application was made earlier. In other words, there is an element of deception on the part of the petitioner or his vendor and they have not approached the Court with clean hands. Apart from that, the assertion of the petitioner that no notice was issued to him giving opportunity of submitting his explanation is also not a truthful statement as he submitted the explanation in his own writing.

At this stage, learned counsel for the petitioner seeks to permit the petitioner to submit a detailed explanation.

Considering the above said submission, the writ petition is disposed of permitting the petitioner to submit his explanation to the respondent authorities within one week from the date of receipt of a copy of this order and thereupon, the respondent authorities shall consider such explanation and take necessary action in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:20.03.2019
kdl

