

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5735 of 2019

ORDER:

The petitioner challenges the Confirmation Order dated 19.02.2019 issued by the Commissioner, Pedda Amberpet Municipality, vide Notice No.G1/23/UC/PAM/2018-19 under Section 228(3) & 340 of APM Act, 1965, and under provisions of HMDA Act, 2008.

Heard Sri B.S.S. Prasad, learned counsel for the petitioner, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation and Sri N. Praveen Kumar, learned Government Pleader for Municipalities.

Learned counsel for the petitioner submits that the petitioner did not receive any notice dated 05.02.2019 and even the impugned Confirmation Order dated 19.02.2019 came to be delivered to the petitioner only on 16.03.2019 and the petitioner supplied his reply on the same day. In the circumstances, the learned counsel submits that as the petitioner's vendor has obtained permission for construction from the Gram Panchayat, and as the petitioner is making construction in accordance with the plan as sanctioned by the Gram Panchayat, he prays for a direction to the respondent authorities to consider his explanation. Learned counsel further submits that he is ready to comply with all the statutory formalities in terms of the Municipalities Act and that the petitioner would abide for alterations as per law, if need be, with respect to the constructions already made. The petitioner also asserts that he would not make any further construction until the plans that may be submitted by him are considered by the Municipality.

Having considered the submissions made, and as can be seen from the material placed before this Court, the petitioner's vendor obtained permission on 23.08.2011, which permission was valid for a period of two years. However, the petitioner came to acquire the property by registered sale deed 16.10.2017. As can be seen from the record, the petitioner was under a *bona fide* impression that the permission obtained by his vendor would enure to his benefit and, therefore, he proceeded with the construction. However, as the property is situated in a municipal area falling within 2nd respondent-Municipality, the petitioner is required to obtain permission afresh as the parameters for granting permission in a municipal area vis-à-vis a Gram Panchayat would be different.

In the facts and circumstances of the case, and in the interest of justice, the respondents are directed to consider the representation of the petitioner and guide him with respect to the statutory formalities that are required to be complied with in accordance with law, so as to enable him to proceed with further construction. It is made clear that the petitioner shall not make any further construction, and status quo obtaining as on today shall be maintained by the petitioner, till proper permission is obtained from the 2nd respondent. Till such time the petitioner's application dated 16.03.2019 is considered and orders are passed, the 2nd respondent shall not take any coercive steps against the petitioner's construction.

The writ petition is disposed of accordingly. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

JUSTICE CHALLA KODANDA RAM

19th March, 2019
KSM

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