

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.6027 of 2019

ORDER

Heard learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the respondents.

2. The petitioner Society challenges the notice dated 11.03.2019 issued by the 3rd respondent alleging that it had constructed the basement illegally besides the Government Hospital, NGO's Colony, Vanasthalipuram.

3. The case of the petitioner is that as the land grabbers are trying to encroach upon the vacant land in the colony, it had applied for construction of the compound wall on 11.03.2019 to protect the same, however, the 3rd respondent came to their premises and affixed a notice dated 11.03.2019 under Section 402 of the Greater Hyderabad Municipal Corporation Act, to their compound wall gate, stating that the petitioner had encroached the layout open space by raising the basement besides the Government Hospital. Petitioner has also submitted its explanation on 13.03.2019 along with the relevant documents stating that they are ready to abide by the conditions that may be imposed by the Municipal Corporation for permitting the construction of compound wall, but the 3rd respondent is trying to demolish the compound wall.

4. Learned Standing Counsel for the respondents submits that as on date, the petitioner has not made any application for construction of the compound wall, and as and when such

application is made, the respondents will consider the same in accordance with law.

5. Having regard to the aforesaid submission, without going into the merits of the matter, I deem it appropriate to direct the petitioner to make an application for construction of the compound wall by paying the requisite fee as required along with the plan in order to protect the open space of the colony, within a period of four weeks from the date of receipt of a copy of this order, and on receipt of such application, the respondents shall consider the same and pass appropriate orders in accordance with law, within four weeks thereafter. Till such exercise is completed, no coercive action shall be taken by the respondents and *status-quo* existing as on date shall be maintained by both the parties.

6. With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

26th March, 2019

sj