

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.6329 OF 2019

O R D E R

The case of the petitioner, as per the averments made in the affidavit filed in support of the writ petition is that, the 2nd respondent – Greater Hyderabad Municipal Corporation, represented by its Commissioner, granted permission vide proceedings No.3/C30/15198/2018 dated 20.09.2019 for construction of stilt plus two floors, but however, she raised third and fourth floors in anticipation of regularization of those additional floors. Her grievance is that the 3rd respondent – Greater Hyderabad Municipal Corporation, represented by its Deputy Commissioner, without serving notice under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), issued notice under Section 636 of the Act vide Notice No.506/TPS/W.No.1/Cir-18/NZ/GHMC/19 dated 06-03-2019 and caused demolition of part of third and fourth floors. Aggrieved by the said action, the present writ petition is filed.

Learned counsel for the petitioner submits that without giving any opportunity, the respondent authorities have partly demolished the structures and the same is in violation of principles of natural justice. He submits that the petitioner undertakes not to proceed with the further construction of third and fourth floors and that the respondents may be

directed to receive the explanation of the petitioner and stop further demolition.

Si Chatla Madhu, learned Standing Counsel for respondents 2 and 3 – Municipal Corporation, on instructions, submit that the petitioner was issued with notice under Sections 452(1) and 461(1) of the Act vide Notice No.506/1/1/W-1/TPS/C-18/NZ/GHMC/2017 dated 18-02-2019, but she did not choose to file any explanation and, therefore, final notice under Section 636 of the Act dated 6.3.2019 was issued and the unauthorized construction was razed and hence, the petitioner cannot complain violation of principles of natural justice.

From the above it is clear that admittedly the petitioner has raised additional third and fourth floors, which are unauthorized and she admits that respondent authorities have partly demolished the unauthorized construction, and she also undertakes not to make any further construction, and seeks for a direction to the respondent authorities to receive her explanation and to stop further action.

Having regard to the facts and circumstances of the case and the undertaking of the petitioner not to make any further construction in deviation of the sanctioned plan, respondent authorities shall not cause any damage to the construction which is in conformity with the sanction plan dated 20.09.2018, and it is open to the petitioner to submit her

explanation and the respondents / competent authority, shall consider the same and after affording the opportunity of hearing, take appropriate action in accordance with law.

With the above direction, writ petition is disposed of.

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

CHALLA KODANDA RAM,J

DATE:26—03—2019

AVS

