

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.7218 of 2019

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri L. Venkateswar Rao, learned Standing Counsel for respondents 2 to 4.

2. The petitioner challenges the notice dated 27.03.2019 issued under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), by the 4th respondent, directing him to show-cause as to why the unauthorized construction shall not be removed.

3. The petitioner asserts that the impugned notice is not clear about the deviations alleged to have been committed by him. He asserts that as he is constructing within 100 yards, he is not required to obtain permission in terms of the G.Os., issued by the Government.

4. Learned Standing Counsel opposed the writ petition contending that in terms of the permission granted to the petitioner on 25.04.2018, he can construct only stilt + 2 floors and that the said permission itself negates the contention of the petitioner that no permission is required. He further submits that as the petitioner has violated the construction permission, he was rightly given notice and

that in spite of submitting a reply to the said notice, he has approached this Court. In those circumstances, he prays for dismissal of the writ petition.

5. Having regard to the respective submissions, there is no dispute that the building permission is accorded in terms of G.O.Ms.No.168 dated 07.04.2012 and the norms therein have to be strictly adhered to and that there is a duty cast upon the respondents to ensure that the notified building bye-laws are obeyed in letter and spirit. The contention of the learned counsel for the petitioner that the impugned notice has not specified the nature of deviations does not merit consideration, as the notice clearly states that the petitioner has unauthorizedly raised slab for the 3rd floor and raising columns for the 4th floor over the permitted stilt + 2 floors without leaving road affected portion. Thus, he has violated the provisions of the Act and the bye-laws. However, as the notice was issued on 27.03.2019, acceding to the request of the learned counsel for the petitioner, it would be appropriate to grant 10 days time to the petitioner to give a reply to the impugned notice.

6. Accordingly, the Writ Petition is disposed of, leaving it open to the petitioner to submit his explanation to the impugned notice, if so advised, within ten days from today, and on filing the same, the respondents shall consider and pass appropriate orders in accordance with law, within two weeks thereafter, till such time,

respondents shall not take any coercive steps against the property of the petitioner. No order as to costs.

7. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

4th April, 2019

Note:
Issue CC today.

sj

