

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.8221 OF 2019

ORDER

The case of the petitioner is that she is the owner and possessor of the subject property, which is part of house bearing No.8-7-93, on part of plot No.10 in Sy.No.6, admeasuring 57.16 sq. yards out of 114.33 sq. yards, situated at Old Bowenpally village, under GHMC Kukatpally circle, Balanagar mandal, Rangareddy District, having purchased the same under registered sale deed bearing document No.2291 of 2014 dated 24.04.2014 from Sri Syed Abdul Sattar s/o S.A.Razak and Mohd. Asaduddin Ghoris/o Mohd Hasanuddin Ghoris; and that when she started digging foundations for construction of residential house in the subject property, she received show cause notice No.05/UC/W.No.119/CIR-24/WZ/GHMC dated 13-11-2018 under Section 452 (1) and 461 (1) of Greater Hyderabad Municipal Corporation Act, 1955, and she submitted her explanation on 22.11.2018. The grievance of the petitioner is that the respondents – Municipal Authorities, are not allowing her to proceed with the construction.

Learned counsel for the petitioner submits that petitioner owns small piece of land to an extent of 57.16 sq. yards and that even before starting construction, respondents issued show cause notice and the petitioner submitted explanation and that the petitioner also undertakes that she will not proceed with the construction without obtaining permission, and hence the respondents may be directed not to interfere with the proposed construction of the petitioner.

Sri Sampath Prabhakar Reddy, learned Standing Counsel for Municipal Corporation submits that petitioner has not obtained any permission from the respondents, and that even prior to obtaining permission, she got dug the foundations for laying pillars, and as the said construction activity undertaken by the petitioner is unauthorized, respondents issued show cause notice, and as the

petitioner is stated to have submitted explanation, the respondents would follow the due process of law.

The admitted fact on record is that the petitioner without obtaining any construction permission, got dug the pits for laying foundation and in the explanation submitted by her to the show-cause notice dated 13.11.2018, she undertakes that she will not proceed with the construction without obtaining prior permission. However, as she got dug the land for construction of pillars, without any permission from the competent authority, the respondents issued show cause notice, and no exception can be taken.

However, it is needless to observe that if the petitioner obtains construction permission and proceeds with the construction in conformity with the sanctioned plan, the respondents shall not interfere with the same.

With the above observation, writ petition is disposed of.

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

CHALLA KODANDA RAM,J

DATE:18—04—2019

AVS