

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9667 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent Nos.1 and 2 and Ms. Bhagya Sri, learned Standing Counsel for respondent No.3.

2. This writ petition is filed seeking to declare the action of respondents 2 and 3 in not considering the representation dated 28.01.2019 filed by the petitioner for cancellation of the regularization of the unapproved plot admeasuring 884.12 sq. meters in Sy.No.640/A situated at Janagaon Village, Ramagundam Mandal, vide proceedings dated 13.07.2016 and also the building permission granted in favour of respondent No.4 dated 15.09.2018, as illegal and arbitrary.

3. The petitioner asserts that she is the absolute owner and possessor of land to an extent of Ac.0.08 gts, Ac.0.04 gts and Ac.0.9.2 gts in Sy.Nos.631, 596 and 640/A respectively, situated at Janagaon Village, Ramagundam Mandal, Peddapalli District. She further asserts that respondent No.4, who has no right whatsoever over the subject land, had obtained regularization proceedings under layout regularization scheme in terms of G.O.Ms.No.151 dated 02.11.2015, in respect of her property, by submitting the forged documents, and also obtained building permission on 15.09.2018. Therefore, she filed a representation on 28.01.2019, to respondent No.3, for cancellation of those permissions. However, no action has been taken thereon.

4. Learned Standing Counsel would submit that in terms of Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), the representation of the petitioner would be considered and necessary action would be taken in accordance with law.

5. Having regard to the respective submissions, there is no dispute that under Section 450 of the Act, as applicable to the Ramagundam Municipal Corporation, respondent No.3-Commissioner is the competent authority to take necessary steps after considering the objections raised by the petitioner with respect to the building permission granted in favour of respondent No.4 and pass appropriate orders in accordance with law by strictly following the principles of natural justice. Therefore, without expressing any opinion on merits of the matter and as the representation dated 28.01.2019 of the petitioner is pending, I deem it appropriate to direct the 3rd respondent to consider the same and pass appropriate orders in accordance with law, after giving notice and opportunity to respondent No.4, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No order as to costs.

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

CHALLA KODANDA RAM, J

30th April, 2019

sj