

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9944 OF 2019

ORDER

This petition is filed challenging the action of the 2nd respondent in issuing notice No.596/TPS/C-30/SZ/GHMC/2019, dated 13.03.2019, under Section 450 of Greater Hyderabad Municipal Corporation Act, 1955.

2. It is the case of the petitioner that he is the owner and possessor of the premises bearing No.10-1-596/1/7 admeasuring 244.44 Sq.Yards in Plot No.7 at Sy.No.23 of West Maredpally, Secunderabad, having purchased the same through registered sale deed vide Document No.1214 of 2002 dt.28.06.2002; that he applied for building construction permission to the 2nd respondent, who granted permission vide Building Permit Order No.3/C30/01402/2019, dt.24.01.2019 to construct Stilt + Two floors; and that the petitioner had constructed the building up to second slab level by spending huge amount. While so, based on the complaint of the 5th respondent, the 2nd respondent issued impugned notice stating that the petitioner had sought building permission suppressing the fact that the subject property was earmarked for public purpose as per File No.82/open/10/BI/77, dt.30.07.1983, and also asked the petitioner to submit explanation within seven days as to why the building permission already granted shall not be revoked. In pursuance of the same, the petitioner submitted his explanation on 18.03.2019 duly requesting the 2nd respondent not to revoke the building permission. Apprehending demolition, the petitioner filed the present writ petition.

3. Learned counsel for the petitioner submits that petitioner's construction has been stalled and that the respondent authorities without considering the explanation submitted by the petitioner are contemplating to take coercive action against the subject property.

4. Sri Chatla Madhu, Learned Standing Counsel for the 2nd respondent submits that only after considering the explanation and passing necessary orders, in terms of Section 450 of the H.M.C.Act, 1950, the respondent authorities would take further action. He also submits that the petitioner filed the present writ petition only on an apprehension.

5. Recording the aforesaid submission of the learned Standing Counsel, since the petitioner had already submitted explanation to the impugned notice, the respondent authorities shall dispose of the said explanation, in accordance with law, by giving opportunity of hearing to the petitioner. Till disposal of the petitioner's explanation, the respondent authorities shall not take any coercive steps against the subject property.

6. Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous applications if any pending, shall stand closed.

CHALLA KODANDA RAM, J

01.05.2019
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