

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10268 OF 2019

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, seeks a direction, more particularly one in the nature of writ of mandamus, to declare the action of respondent No.3 in issuing notice No.G-2090/UC/ACP11/CRZ/GHMC/2019, dated 03.05.2019, to the petitioner without passing the orders on the representation dated 09.04.2019 as per the orders of this Court and directing the petitioner to remove the constructions, inspite of the sanctioned permit, without following the procedure of law as arbitrary, illegal and violative of Articles 14, 21 and 300-A of the Constitution of India, besides violative of Section 450 of Greater Hyderabad Municipal Corporation Act, 1955 and consequently, to set aside the Proceedings No.G-2090/UC/ ACP11/CRZ/GHMC/2019, dated 03.05.2019 issued by the respondent No.3, to the petitioner in respect of the property bearing No.1-1-117/4/2, admeasuring 166.66 Sq.yards or 139.33 Sq.mts, situated at Bansilal Nagar, Budvel, Rajendranagar, R.R.District.

2. Heard Sri D.Vijaya Kumar, learned counsel for the petitioner. No representation on behalf of respondents. Perused the record.

3. It is contended by the learned counsel for the petitioner that the petitioner was sanctioned permission vide Permit No.3/C11/00539/ 2019, dated 09.01.2019 in File No.3/C11/22479/2019 for construction over the premises bearing No.1-1-117/4/2, admeasuring 166.66 Sq.yards or 139.33 Sq.mts,

situated at Bansilal Nagar, Budvel, Rajendranagar, R.R.District. It is also contended that a notice dated 30.03.2019 was issued alleging deviation from the sanctioned plan. Aggrieved by the said notice, Writ Petition No.6946 of 2019 was filed and on 02.04.2019 this Court directed the respondents/GHMC authorities to dispose of the explanation of the petitioner and till such disposal, it was directed that no coercive steps be taken against the petitioner. Thereafter, the petitioner submitted her explanation dated 09.04.2019 to the respondent No.4.

4. There is record to show that the petitioner obtained orders from this Court in W.P.No.6946 of 2019 on 02.04.2019, wherein this Court directed the respondent authorities to dispose of the explanation of the petitioner and till such disposal, no coercive steps shall be taken against the petitioner. There is also record to show that respondent No.3 issued impugned notice No.G-2090/UC/ACP11/CRZ/GHMC/2019, dated 03.05.2019 to the petitioner, calling for explanation for the alleged deviation. There is no assistance from the learned Standing Counsel for the GHMC and as there is a direction of this Court in Writ Petition No.6946 of 2019, dated 02.04.2019 and in view of the contentions put-forth before this Court that the explanation is not disposed of till date, the respondent/GHMC authorities are restrained from taking any coercive steps including the removal of constructions in the subject premises. It is made clear that if an action is being initiated in terms of the orders passed on 02.04.2019 in Writ Petition No.6946 of 2019, by the respondent/GHMC authorities concerned, the order

of restraint/removal of structures in the subject premises passed herein would become inoperative.

6. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

May 09, 2019.
grk

