

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10951 of 2019

ORDER:

Heard.

2. Petitioners claim to be the absolute owners and possessors of plot No.27A situated in survey No.176, Addagutta Co-Operative Housing Society Ltd., Kukatpally, Hyderabad, and obtained building permissions on 28.09.2018 and 23.07.2018 for construction of stilt+2 upper floors respectively. Petitioners now allege that the respondents are interfering with the construction activity being carried out by the writ petitioners in the above plot illegally and arbitrarily.

3. Learned Standing Counsel produced written instructions furnished by the Assistant City Planner, Kukatpally Circle-24, GHMC. A reading of the said written instructions would disclose that a complaint is filed by Westerns Hills Addagutta Co-op Society on 24.10.2018 alleging that as per the lay out of the Society, the subject plot was shown as water tank meant for public use. In view of the said complaint, physical inspection was conducted on the site wherein it was noticed that no construction was under progress. A photograph is also enclosed to the instructions to show that no construction activity is undertaken in the subject property. It is also stated that the complaint will be examined and appropriate steps would be taken.

4. The written instructions would also disclose that as of now, the respondent-Municipal Corporation has not initiated any coercive action against the petitioners as sought to be contended by the petitioners and in fact it cannot be said that they are

interfering with the construction work as no construction activity is in progress as of now. Further, as the building permissions were already granted, the respondents cannot interfere unless they follow the due process in canceling the building permissions. It is needless to say that if the respondent-Corporation seeks to cancel the building permissions already granted or take any action, they shall follow due process of law in the form of putting on notice the petitioners, calling their explanation and thereafter passing appropriate orders.

5. Accordingly, the Writ Petition is disposed of.

Miscellaneous Petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

10th June, 2019.
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P.NAVEEN RAO, J

