

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.11027 OF 2019

Dated 11th June 2019

Between:

M/s. Vasudeva Constructions & Developers,
Rep.by its Managing Partner Dudipala Vijayapal Reddy,
S/o. Malla Reddy.

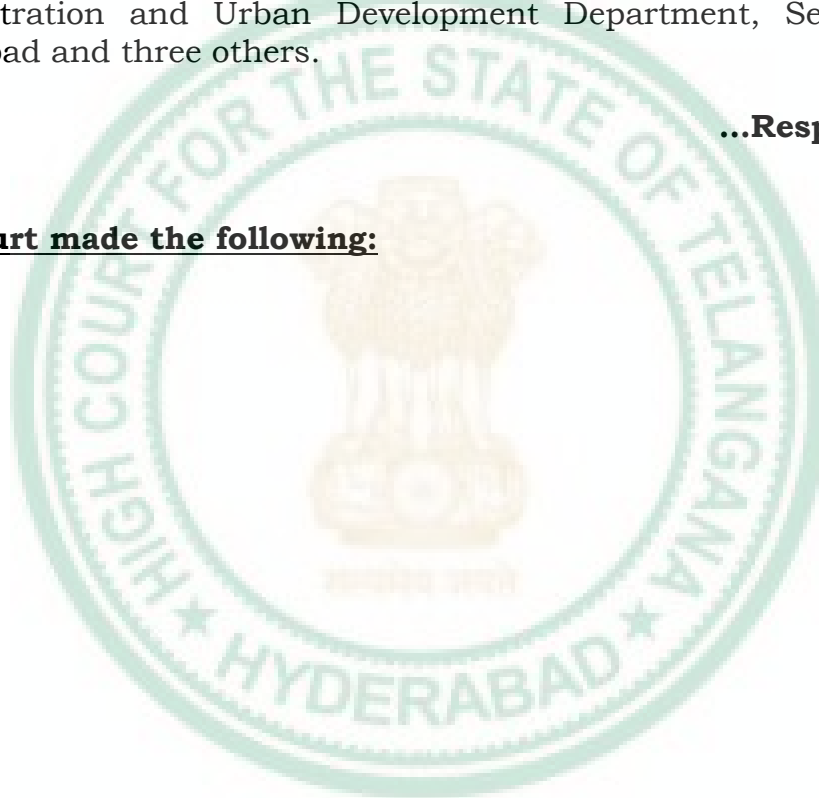
...Petitioner

And

1. The State of Telangana rep.by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad and three others.

...Respondents

The Court made the following:



THE HON'BLE SRI JUSTICE P.NAVEEN RAOWRIT PETITION NO.11027 OF 2019**ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Municipal Administration and Urban Development for R-1 and Sri N.Praveen Kumar, learned Standing Counsel for R-2 and R-3.

2. This Writ Petition is filed by the builder, who constructed multi-storey building consisting of 25 residential flats and three shops. The petitioner alleges that certain owners of the flats have not purchased parking area. They sought to utilise parking area belonging to the petitioner illegally. In order to protect the parking area from such misutilization, the petitioner has constructed walls and put up shutters. The petitioner alleges that the Municipal Corporation is threatening the petitioner to demolish the shops bearing municipal Nos.3-407/9-5 and 3-407/9-7 without any notice and without following due process of law.

3. When the matter is taken up, learned Standing Counsel placed before this Court a copy of the order passed by a Single Judge of this Court dated 01.05.2019 in W.P.No.9869 of 2019 and a copy of show cause notice dated 31.05.2019. On a reading of the said order, it is apparent that the welfare association of the apartment building complained in the said Writ Petition that the builder started constructing shops in the cellar area, thereby depriving the parking area and the said construction is obstructing free movement of the vehicles in the cellar area. Though the complaint was given to the municipality, but no action was taken was the grievance. This Court disposed of the said Writ Petition directing the municipality to

consider the representation of the welfare association dated 20.03.2019 and take a decision in accordance with law.

4. Pursuant to the said direction, the municipality issued show cause notice dated 31.05.2019 calling upon the petitioner as to why shops constructed by him should not be dismantled. According to the learned Standing Counsel, the show cause notice was already served on the petitioner but the counsel for the petitioner denies the same. A copy of the show cause notice is also furnished to the counsel for the petitioner.

5. Since the show cause notice is already issued to the petitioner, it cannot be said that the respondents did not follow due process. As a copy of show cause notice is also now furnished to learned counsel for the petitioner, it is open to the petitioner to file his explanation within one week from today and on filing of such explanation and if necessary, by affording an opportunity to the residents of the apartment, the municipality shall take appropriate decision as warranted by law and pass a reasoned order with due consideration of the explanation offered by the petitioner and objections, if any, filed by the residents of the apartment building. The decision shall be taken and communicated to the parties within two weeks from the date of receipt of the explanation from the petitioner and objections from the flat owners, if any submitted by them.

6. Subject to the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

11th June 2019
RRB