

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11451 OF 2019

Dated:18.06.2019

Between:

Karpe Srinivas, S/o. Karpe Krishna,
Aged about 46 years, Occ: Business,
R/o.H.No.6-23-674/4, Goutham Nagar,
Nizamabad, Nizamabad District

.. Petitioner

And

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

.. Respondents



This Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.11451 OF 2019****ORDER:**

Heard learned counsel for the petitioner and Sri V. Satyam Reddy, learned Standing Counsel for the 2nd respondent.

2. Petitioner claims to have purchased RCC roofed room in the stilt floor of Akansha Avenue situated at Amalvadi (Azad Nagar), Nizamabad Town, measuring 283.31 sq. feet by a registered sale deed, dated 01.11.2018, for a valuable consideration. This Writ Petition is filed alleging that the Municipal Corporation is threatening to demolish the said structure.

3. According to learned counsel for the petitioner, based on the declaration given in the earlier sale deed, the petitioner purchased the said property and that the structure was in existence for a long time, but illegally action is now proposed to be taken against the petitioner. He further alleges that no prior notice or opportunity was given to the petitioner before taking coercive action.

4. Learned Standing Counsel for the 2nd respondent, on written instructions furnished by the Commissioner, Municipal Corporation, submits that no construction can be taken up in stilt floor and stilt floor shall be exclusively utilized for parking purpose only and if any illegal construction is found in stilt floor, the Corporation is bound to take action to remove the said illegal construction.

5. No opinion is expressed as to whether construction was illegally made in the stilt floor and whether the same is exclusively

meant to be utilized for parking purpose only. It appears that no notice was caused on the petitioner. Therefore, the respondents are directed to follow the due procedure, call for explanation from the petitioner, consider the same and take a decision as warranted by law before taking up coercive action against the petitioner.

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

Date:18.06.2019

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P. NAVEEN RAO, J

