

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11847 OF 2019

DATED :25.06.2019

Between :

Mrs. Kemsaram Lavanya W/o.Mr. Kemsaram Narender,
Aged 33 yrs, Occu : Housewife,
R/o.H.No.7-105/2, Near Hanuman Temple,
Bapunagar Colony, Serlingampally,
Ranga Reddy District, Telangana.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for respondents 1 to 3 and learned Standing counsel for respondent No.4.

2. This writ petition is filed alleging that respondents are attempting to demolish the petitioner's property bearing Plot No.44 (Southern Part) in Sy.Nos.219 and 220, admeasuring 508 Square yards in Padmashree Gardens, Vattinagulapally Village and Gram Panchayat, Gandipet Mandal, Ranga Reddy District. Petitioner claims to be the owner of said property; that he obtained building permission from the Gram Panchayat and undertaking construction as per the permission granted to him. According to petitioner, the plot is a part of approved lay out and therefore, there cannot be any impediment on him to undertake construction.

3. Learned Standing counsel, on instructions, submits that illegal constructions are carried out; that no building permission was granted; that building permission claimed to have been granted is signed by Surpanch and there are no proceedings issued. Therefore, it has no validity and the construction activity as can be seen from the photographs is in the lake only and the same is illegal. He also submits that notices were issued on 29.05.2019 and 10.06.2019 under Section 228 (i) (ii) and (iii) and Section 2 (1) (7) of the Telangana Municipalities Act, 1965.

4. According to learned Government Pleader, the land belongs to Government and illegal construction is being made in a part of Sandugukunta Cheruvu (lake).

5. Learned counsel for the petitioner submits that notices are not served. Now, the copies of notices are served on learned counsel for the petitioner. However, it is open to the petitioner to respond to the said notices by submitting her explanation. Such explanation should be filed within two weeks from the date of receipt of copy of this order. It is also open to the respondent-Government to take action against the petitioner, if according to it, petitioner is in occupation of tank bed and making illegal construction. If the respondent-Government intends to take action, it shall initiate action within two (2) weeks from the date of receipt of copy of this order.

6. Pending submission of explanation, consideration and taking decision by the Municipality, the subject property shall be in the custody of Municipality. The Commissioner-4th respondent shall ensure that no further construction takes place by the petitioner and until a decision is made, the Municipality shall not demolish the constructions already made.

7. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

25th June, 2019
Rds

P.NAVEEN RAO,J