

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.17231 of 2019

ORDER:-

The petitioner challenges the notice, dated 05.07.2019, issued by the Municipal Commissioner, Manikonda Municipality, Ranga Reddy District, whereunder it was directed to stop further construction alleging that the permission granted in its favour by the erstwhile Manikonda Gram Panchayat expired long back and that there was no renewal of the said permission and hence, the constructions which are being made by the petitioner are illegal.

2. It is the contention of the petitioner that it could not carry out the construction activity and proceed with the construction earlier on account of the problems created by the landlord, who had entered into development agreement with it, by instituting multi-litigations before the Courts. It is also the assertion of the petitioner that it approach the learned Principal Junior Civil Judge-cum-XIV ★ Additional Metropolitan Magistrate, Rajendranagar, for implementation of the development agreement by filing O.S.No.28 of 2011, which was re-numbered as O.S.No.1 of 2017, and the same came to be decreed in favour of the petitioner. It is also the assertion of the petitioner that on earlier occasion, when it filed W.P.No.5275 of 2018, this Court passed the Order on 11.09.2018 directing both the parties to maintain *status quo* for a period of two months and in the light of the said order, the petitioner is entitled to continue the construction work.

3. On the other hand, the relief sought by the petitioner in the Writ Petition is resisted by respondents No.2 and 3.

4. So far as the submission of the learned Counsel for respondent No.2 is concerned, since the permission granted in favour of the petitioner expired long back neither the petitioner can make nor this Court can permit it to make any construction in violation of the statutory provisions.

5. Learned Counsel for the 3rd respondent, on instructions, would submit that an Application was said to have been made by the petitioner seeking renewal, in terms of the order of this Court, dated 11.09.2018 in I.A.No.1 of 2018 wherein this Court directed the authorities concerned to dispose of the Application, if filed by the petitioner, within six weeks. However, since the material papers filed by the petitioner disclose that the said Application was received by the 3rd respondent on 20.09.2018, as is evident from the stamp of the 3rd respondent-Organization on the said Application, the learned Counsel would submit that the petitioner filed letter dated 19.09.2018 and the same will be treated as an Application and will be processed as expeditiously as possible.

6. Having regard to the respective submissions, it is an admitted fact that, as on date, the petitioner does not have any permission from the competent authority to proceed with the construction work and it cannot be permitted to make any construction until fresh permission is granted by the competent authorities. The Order of *status quo*, dated 11.09.2018, which the petitioner relies on, cannot be interpreted in the manner in which it seeks to enure to its benefit, indefinitely. While this Court was conscious of the fact that the petitioner would suffer loss and thereby permitted it to carry out construction, the same would

have to be viewed in the context of the prayer which the petitioner had made in I.A. It may be noted that the petitioner sought a direction in I.A.No.1 of 2018 to the effect that “the High Court may be pleased to direct the 2nd and the 3rd respondents not to interfere with the finishing works undertaken by it on plot No.59, admeasuring 197.33 Sq.Yds., in Sy.No.31/a, situated at Manikonda Jagir village and Gram Panchayat, Rajendra Nagar Mandal, R.R.District”. Noting the said prayer, this Court, considering that the petitioner would make an Application within six weeks to the 3rd respondent, passed an order directing to maintain *status quo* by both the parties, meaning thereby, the respondent authorities shall not take any coercive steps against the petitioner for a period of two months, while permitting the latter also to restrain from making any construction.

7. Be that as it may, as on date, as the petitioner asserts that it had already made an application on 20.09.2018 to the 3rd respondent seeking renewal of the permission, respondents No.2 and 3 are directed to dispose of the said Application in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that it is open for the petitioner to make a fresh Application, in the event of the representation/letter made by him on 19.09.2018 is not in accordance with the procedure prescribed, which shall be considered and disposed of by respondents No.2 and 3 in accordance with law, within a period of two weeks thereafter.

8. Subject to the above direction, the Writ Petition is disposed of. It is made clear that till orders are passed on the Application of

the petitioner, the respondents shall not take any coercive steps with regard to the constructions already made by it and at the same time, the petitioner also shall not make any further construction till disposal of its Application by respondents No.2 and 3.

Miscellaneous petitions, pending if any, shall stand closed.
No order as to costs.

CHALLA KODANDA RAM, J

14th August, 2019

smr

