

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.17584 OF 2019

Date:20.08.2019

Between:

Ch. Nagaraju, S/o. Satya Vara Prasad,
Rep., by GPA Holder P. Arjun,
S/o. Late Sri Ganga Raju, aged
About 62 years, Occ: Senior Citizen,
R/o.H.No.13-104, HUDA Colony,
Chandanagar, Hyderabad

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Municipal Administration
And Urban Development, Secretariat,
Saifabad, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.17584 OF 2019****ORDER:**

Heard learned counsel for the petitioner, and learned Government Pleader for Municipal Administration for respondent No.1 and Sri S. Prabhakar Reddy, learned standing counsel for GHMC for respondents 2 to 4.

2. Petitioner obtained building permission for construction of stilt + two upper floors on 26.09.2018 and he started construction of the building. On 30.07.2019, notice under Section 452 (1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') was issued to petitioner alleging unauthorized construction of pent house and also constructed stilt floor in violation of the set backs. Notice also contains a photograph showing that the construction is in progress and the illegal construction made. On 06.08.2019 notice under Section 452(2) of the Act was issued. This notice alleges that petitioner not only constructed upper floor but also constructed stilt floor by violating the required set backs and in deviation of the building rules. In this Writ Petition, petitioner challenges the said notice.

3. Building permission application enclosed at page No.18 as Ex.P5 would show that the permission granted was to construct stilt + two upper floors. Though petitioner was to leave the entire stilt floor as open area, he has constructed almost entire stilt floor except leaving a small portion in front of the gate and also constructed above the second floor. Thus, this being the illegal construction, it cannot be said that the respondent – Corporation

erred in issuing notices under the Act. Hence, no case is made out to interfere against the said notices issued to the petitioner.

4. The Writ Petition is accordingly dismissed. Miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:20.08.2019

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