

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 18582, 18584, 18585, 18595 AND 18607 OF 2019

COMMON ORDER:

In all these Writ Petitions, the petitioner is alleged to have made unauthorised construction beyond the sanctioned plan. The petitioner therefore, sought regularisation of the deviations, in terms of G.O.Ms. No. 152, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015. However, the Competent Authority, having considered the nature of violations, had refused to regularise the same as they are not within the parameters of the said G.O.

Learned counsel for the petitioner submits that under Rule 11 of the Telangana Regularisation of Unauthorisedly Constructed Buildings and Buildings Constructed in Deviation of the Sanctioned Plan Rules, 2015, Appeal is provided against the order passed by the Competent Authority under Rule 6, to the Committee constituted by the government within thirty days from the date of receipt of the order.

Learned Standing Counsel for the Corporation Sri N. Ashok Kumar vehemently opposes the Writ Petitions stating that as against the permission to raise stilt + five floors, the petitioner had constructed three cellars in addition to two pent houses. Since the violations are grave, the learned Standing Counsel submits, the order refusing to grant regularisation is valid and that does not call for any interference, at this stage, by this Court. He would also oppose granting stay of the order of the Competent Authority, stating that merely because there is a provision for Appeal, the same itself does not entitle the petitioner to seek stay.

Having considered the respective submissions, it is to be noted that since the remedy of Appeal is provided under Rule 11, if stay of the order is not granted for 30 days i.e. the period specified for preferring the Appeal, the very provision would become otiose. Hence, it is directed that the respondents shall not take any coercive action with respect to the admitted deviations made. It is made clear, if the Appellate Authority does not choose to regularise the deviations / dispose of the Appeal within the specified period of three months from the date of filing the Appeal, the respondent authorities may take appropriate action by implementing the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 in letter and spirit.

The Writ Petitions are disposed of accordingly. No costs.

The miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

27th August 2019

Issue CC by 03.09.2019.
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