

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.18906 and 18933 of 2019

COMMON ORDER:

The petitioners are aggrieved of the action of respondent authorities in forcibly taking away the machinery/goods of the petitioners from the premises in Flat No.02, Flat No.G1 &G9, and Flat No.G8, of Survey No.74 of Nanakramguda Village, Serilingampally Mandal, under GHMC Serilingampally Circle, Ranga Reddy District, on the ground that the petitioners do not have permission for conversion of residential flats into commercial flats.

Heard Sri B.V.S.S.B.K. Ranjit, learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

The sum and substance of the petitioners case as per the writ affidavits is that respondent No.5 who is the Section Officer of the respondent-Corporation came to the premises of the petitioners on 14.08.2019 and has forcibly taken away the articles/goods/machinery i.e., Welding machine, Iron cutting machine, Hammer, Two Drill Machines, and Two Wood Cutting Machines, on the ground that the petitioners are using the premises for commercial purpose without their being any permission to them to convert residential flats into commercial flats. The petitioners allege that the action of the respondent No.5 is without any prior notice and without passing any orders.

Sri Sampath Prabhakar Reddy, learned Standing Counsel, on instructions, would submit that so far as the machinery is concerned, they already instructed the petitioners to take them back and not use them in the residential premises. He further submits that on the complaints received from the residents that the petitioners are causing nuisance by running commercial industry in the residential premises, notice has already been issued to the petitioners under Section 452(1) of the GHMC Act, and proceedings have already been commenced, and the petitioners can submit their explanation and the same would be considered in accordance with law.

In view of the submission made that the petitioners can submit their explanation which would be considered in accordance with law, there shall be a direction to the respondent authorities not to take coercive action till the explanation of the petitioners is considered and final orders are passed in accordance with law. It is further made clear that the petitioners shall not carry out any commercial activity in the subject premises without there being permission from the authorities for conversion of the premises from non-commercial to commercial.

Subject to the above, the writ petitions are disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

29th August, 2019

KSM

CHALLA KODANDA RAM, J



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