

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 34486 of 2016

ORDER:

In this Writ Petition, petitioner's complaint is inaction on the part of the authorities of the first respondent Corporation with respect to the unauthorized constructions made by the second respondent.

There is no dispute that a notice was issued to the second respondent invoking Section 452 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), alleging that he had made constructions in violation of the provisions of the Act. The grievance of the petitioner is that in spite of the fact that notices were issued to the second respondent and even after finding that he had made constructions in violation of the provisions of the Act, so far, no action has been taken by the authorities of the first respondent Corporation.

In the counter-affidavit filed by the first respondent, it is stated that BPS application came to be filed by the second respondent on 23.12.2015 and that the Corporation filed C.C.SR.No.1585 of 2016 against the second respondent in the Court of IV Additional Judicial First Class magistrate, Warangal.

Learned counsel for the petitioner asserts that filing of the Criminal Case is only eyewash and intention of the authorities of

the respondent Corporation is only to allow the second respondent to continue the illegal construction.

Having regard to the respective submissions, there being no dispute with respect to the facts on record and considering the order dated 18.10.2016 passed by the Division Bench of this Court in W.P.(PIL).No.63 of 2016, the first respondent is directed to pass appropriate orders on BPS application stated to have been filed by the second respondent after taking into consideration the objections raised by the petitioner and after providing him an opportunity of personal hearing. In the event of the first respondent coming to the conclusion that BPS application of the second respondent cannot be allowed, the same may be intimated to the second respondent. This entire exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

Subject to the above, this Writ Petition is disposed of.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

1st NOVEMBER, 2019.

Note: issue c.c. in one week.

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