

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21427 of 2019

ORDER:

In this Writ Petition, petitioner challenges notice dated 09.08.2019 issued by the second respondent – Commissioner, Bhupalapally Municipality, Jayashankar Bhupalapally, invoking Sections 228 (1) & (2) and 217 of the Telangana Municipalities Act, 1965, on the ground that she is making construction of ACC shed in the subject land without obtaining prior permission.

She asserts that she submitted explanation through an Advocate on 13.08.2019; that she is not making any new construction; that the construction is in existence since 1991 onwards and that the municipal authorities on 19.07.2019 had confirmed that the subject property stands in the name of her with door bearing No.19-223/2 situated at Karl Marx Colony, Bhupalapally. She apprehends that the respondents may demolish the construction without considering the explanation submitted by her.

Learned Standing Counsel for Bhupalapally Municipality appearing for the second and third respondents submits that based on the complaints received by the municipal authorities that the petitioner is constructing ACC shed unauthorizedly and without

obtaining prior permission, a notice came to be issued to her and explanation submitted by the petitioner would be considered and appropriate orders would be passed and that entire land in the subject survey numbers belongs to the Government and an attempt is being made by various individuals to occupy the subject land unauthorizedly.

As there is no dispute that the reply has been submitted by the petitioner to the impugned notice, this Writ Petition is disposed of with the direction to the second and third respondents to consider the explanation submitted by the petitioner and pass appropriate orders. It is made clear that without passing final orders, no coercive steps shall be taken by the respondents with respect to the subject property.

Miscellaneous Petitions, if any pending, shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

27th SEPTEMBER, 2019.

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