

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21704 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“....to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents1 to 3 in not considering the representation of the petitioner dated 20.09.2019 and for not taking action for illegal and unauthorized construction of shops in H No 82269/29/43/A4 and A3, Street No.3, Indira Nagar, Banjara Hills, Hyderabad, as illegal, arbitrary, unjust, unreasonable, contrary to Law and contrary to Art 14 of the Constitution of India and consequently direct the respondents1 to 3 to demolish the shops made in ground floor at H No.8-2-269/29/43/A4 and A3, Street No 3, Indira Nagar, Banjara Hills, Hyderabad, in the interest of justice.”

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the order dated 27.10.2006 passed by the Division Bench of this Court in W.P.No.20000 of 2006.

Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3 does not dispute the aforesaid submission.

Relevant portion of the aforesaid order reads as under:

“Hence, the writ petition is disposed of as infructuous with liberty to the petitioner to seek revival of the same, if final action is not taken by the municipal authorities within a reasonable time.

Needless to say that this order shall not preclude respondent No.2 from showing to the concerned authority of the municipality that

the construction being raised by her is not in violation of the sanctioned plan and that she would make further construction strictly in accordance with the sanctioned plan.

While disposing of the writ petition in the manner indicated above and by taking cognizance of a large number of similar petitions which are filed before this Court with the complaint that despite representations and legal notices, the authorities of the municipality do not take action to stop illegal and unauthorized constructions, we deem it proper to issue the following general directions:

- 1) The Commissioners and/or other concerned authorities of the Municipal Corporations and Municipalities in the State of Andhra Pradesh should within a period of 15 days from the date of receipt of representation made or notice sent by any person with the complaint regarding illegal/unauthorized construction, invariably give a written response to the person sending representation or notice.”
- 2) The concerned authorities of the Municipal Corporations or Municipalities shall take necessary measures/steps to ensure that no one is allowed to raise construction without obtaining the building plan sanctioned from the competent authority and no construction is made in violation of the sanctioned plan or master/zonal plan/lay out.”

In those circumstances, following the above said order and for the reasons recorded therein, this Writ Petition is also disposed of in terms of the general directions issued in the order dated 27.10.2006 passed by the Division Bench of this Court in W.P.No.20000 of 2006.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

30th SEPTEMBER, 2019.

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