

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21900 of 2019

ORDER:

The petitioners challenge the notice issued under Section 452(1) & 461(1) of HMC Act, 1955. The allegation against the petitioners is that they constructed Ground + 1 Upper Floor, without obtaining permission. The premise on which the petitioners filed this writ petition is that as per G.O.Ms.No.423, MA & UD, dated 31.07.1998, no permission is required if the construction is made in the land over an extent of 100 square meters.

Heard Sri N. Raghavan, learned counsel for the petitioners, and Sri Chatla Madhu, learned Standing Counsel appearing for the respondents.

Sri N. Raghavan, learned counsel submits that the petitioners are making constructions on a small extent of about 53.05 square meters, and as per G.O.Ms.No.423, M.A., dated 31.07.1998, no permission is required.

Sri Chatla Madhu, learned Standing Counsel points out that as per G.O.No.168, Municipal Administration and Urban Development (M) dated 07.04.2012, permission from the competent authority is required even for sites less than 100 square meters.

In those circumstances, having regard to the facts of the case, as the petitioners have already submitted explanation on 17.09.2019 to respondent No.3, the respondent shall consider the explanation and pass appropriate orders under Section 636 of the GHMC Act, before proceeding with demolition of unauthorized construction.

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

CHALLA KODANDA RAM, J

30th September, 2019
Note: Issue C.C. today
B/o KSM

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