

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23268 of 2019

ORDER:

In this Writ Petition, petitioners assert that they purchased the subject property through registered sale deeds from Smt. Saritha Bansal; that the subject property consists of certain sheds; that as the roofing of the sheds was required to be replaced on account of damage, replacement of the roofing is being undertaken by them; that they were not aware of the initial notice issued by the third respondent – Greater Hyderabad Municipal Corporation, rep. by the Assistant City Planner, Circle-21, GHMC-West Zone, Serilingampally, Hyderabad, under Section 461 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') on 30.07.2019; that they were aware of the said notice only when they received notice dated 14.09.2019 issued under Section 636 of the Act and that they submitted a representation on 27.09.2019, but, they apprehend that without considering the same, the respondent authorities may demolish their construction.

Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3 submits that as the petitioners failed to submit explanation to the preliminary notices, there is no fault on the part of the respondent

authorities in issuing notice dated 14.09.2019 to the petitioners for removal of unauthorized construction of shed, as such, the same does not call for interference by this Court.

A perusal of the material papers placed before this Court indicates that sheds were in existence as far back as in 1996 and there was permission granted by the respondent authorities for construction thereof and that the photograph enclosed to the notice dated 30.07.2019 indicates the existence of structure without roof. This *prima facie* supports the claim of the petitioners that they have undertaken the work of replacement of the roof. Admittedly, they submitted representation on 27.09.2019 to the third respondent explaining the factual position and the circumstances, under which, they could not approach the authorities.

In those circumstances, the notice dated 14.09.2019 is set aside and the Writ Petition is allowed. Further, the respondent authorities are directed to consider the explanation submitted by the petitioners on 27.09.2019 and take necessary steps afresh in accordance with the provisions of the Act.

Miscellaneous applications, if any pending, shall also stand disposed of.

CHALLA KODANDA RAM, J

24th OCTOBER, 2019.
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