

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27302 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondents 2 and 3 in demolishing the compound wall in Plot No.20 to 27, admeasuring 1487 square yards in Survey No.480, 480/P, situated in Budvel, Songbowli, Rajendra Nagar Mandal, Ranga Reddy District, by virtue of notice, dated 26.11.2019, received as affixed on 06.11.2019, as arbitrary and illegal.

2. Heard the learned counsel for the petitioners and Sri N.Ashok Kumar, learned Standing Counsel for respondents 2 and 3.

3. The grievance of the petitioners is that they are the lawful owners and possessors of the subject premises. While so, the petitioners were issued notices on 18.11.2019 and 26.11.2019 under Sections 461 and 452 (2) of the Hyderabad Municipal Corporation Act, 1955, and pursuant to the said notices, the petitioners submitted explanation on 03.12.2019 to the 3rd respondent. But, without considering the said explanation, the respondent authorities are trying to demolish the structures made by the petitioners in the subject premises.

4. Sri N.Ashok Kumar, learned Standing Counsel for respondents 2 and 3, on instructions, would submit that the petitioners obtained permission for construction in respect of 118

square yards only, but, they made construction in 1500 square yards. The same is disputed by learned counsel for the petitioners.

5. Since the petitioners have already submitted explanation on 03.12.2019 to the notices, dated 18.11.2019 and 26.11.2019, it is for the competent authority to take action in accordance with law, after consider the explanation, dated 03.12.2019, submitted by the petitioners. Till then, no coercive steps shall be taken against the petitioners in respect of Plot No.20 to 27, admeasuring 1487 square yards in Survey No.480, 480/P, situated in Budvel, Songbowli, Rajendra Nagar Mandal, Ranga Reddy District. However, the petitioners shall not make any further constructions in deviation to the sanctioned plan. It is made clear that if the petitioners make any further constructions in the subject premises in deviation to the sanctioned plan, it is open for the respondent-Corporation to stop the same in accordance with law.

6. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

9th December, 2019

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Date:09.12.2019

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