

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

W.P. No.27335 of 2019

ORDER:

This writ petition is filed questioning the impugned Proceedings C.O.No.3021/TPS/MCB/2019 dated 20.11.2019 wherein directed the petitioner to remove unauthorized construction.

Brief facts of the case are that the petitioner claims to be the owner of house Plot No.296 in Sy.No.143, 153, 154 and 163 situated at Laxmi Nagar, Boduppall Municipality, Malkajgiri-Medchal District to an extent of 150 Sq.Yds. The petitioner stated to have obtained permission to construct residential house of G+2 vide Permit No.3035/W1/2018/3021 dated 27.09.2019. It is submitted that at the behest of neighbours, the 2nd respondent, Commissioner, Boduppall Municipal Corporation, issued notice dated 26.10.2019 under Section 217 (1)(2) and 228(1)(2) of the Telangana State Municipalities Act, 1965 and under Section 23 of the Hyderabad Metropolitan Development Authority Act, 2008 calling for explanation within seven days. In pursuance to the said notice, the petitioner stated to have submitted his explanation dated 30.10.2019. Now the case of the petitioner is that without considering his explanation dated 30.10.2019, the 2nd respondent issued impugned notice dated 20.11.2019 under Section 228 (3) & 217 of Telangana State Municipalities Act, 1965 and under Section 23 of the Hyderabad Metropolitan

Development Authority Act, 2008 directing him to remove unauthorized construction. Hence, the petitioner filed the present writ petition.

Heard Sri Jagan, learned counsel representing Sri S.M.Subhan, learned counsel appearing for the petitioner, and learned Standing Counsel Sri N.Praveen Kumar, appearing for the respondents 2 and 3 and perused the material placed on record.

The learned counsel for the petitioner contends that without considering the representation dated 30.10.2019 made in pursuance to the notice dated 26.10.2019, the 2nd respondent issued impugned noticed dated 20.11.2019 is bad and illegal.

On the other hand, the learned Standing Counsel appearing for the 2nd respondent submitted that they have no objection for considering the representation dated 30.10.2019, stated to have been made by the petitioner that was received in the office on 21.11.2019.

In that view of the matter, this writ petition is disposed of directing the 2nd respondent authorities to consider the representation dated 30.10.2019, which was received in their office on 21.11.2019, and pass appropriate orders, in accordance with law, within a period of two weeks, from the date of receipt of a copy of this order. Till then, there shall be

status quo with regard to the impugned notice dated 20.11.2019.

Accordingly, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 10.12.2019

LSK

