

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.47836 of 2018

ORDER:

In this writ petition, petitioner challenges the confirmation order, dated 22.12.2015, passed by respondent No.2 under Sections 228(3) and 340 of the Andhra Pradesh Municipalities Act, 1965 and under the provisions of the Hyderabad Metropolitan Development Authority Act, 2008.

The petitioner asserts that he purchased property bearing plot No.198 in Survey Nos.445, 446, 447, 448/1 and 448/2 of Sriram Nagar Colony, Pasumamula Village, Hayathnagar Mandal, Ranga Reddy District, under a registered sale deed, dated 14.08.2018, from D. Anitha, who in turn purchased the same from her vendor vide registered sale deed, dated 26.09.2012. He further asserts that his vendor obtained permission for construction of house and due to financial difficulties, she could not complete the construction and he is under the *bona fide* impression that his vendor was granted permission, as such, he has not made any application to the Gram Panchayat seeking fresh permission and that he is completing only unfinished construction and the action of respondent No.2 in passing the impugned confirmation order is unwarranted.

Learned Standing Counsel for respondent No.2 submits that the petitioner has to file fresh application as mandated under law and the permission granted by the Gram Panchayat expires

by 14.03.2015, as such, there is no illegality in issuing the impugned confirmation order after issuing the notice, dated 10.12.2018 to the petitioner. He also submits that the petitioner instead of giving reply to the said notice had rushed to this Court and filed this writ petition.

In those circumstances, it is evident that respondent No.2 issued notice to the petitioner specifying that he should submit explanation within seven days from the date of receipt thereof and there is a failure on the part of the petitioner to submit explanation therefor, as such, it would lead to removal of the unauthorized constructions by the respondent authorities.

Hence, the writ petition is disposed of giving liberty to the petitioner to submit a detailed explanation to the notice, dated 10.12.2018, to respondent No.2, within seven (7) days from today. Thereupon, respondent No.2 shall consider the same and pass appropriate orders. However, the respondent authorities shall not undertake demolition of the constructions and the petitioner shall not make any further construction till passing such orders. Further, as the permission accorded to the petitioner expires by 14.03.2015 and there being no prohibition for the petitioner to seek construction permission, he shall also be at liberty to make an application to the authorities either for revalidating of the permission granted earlier or for granting fresh permission subject to payment of necessary fee as required

under the Rules, and respondent No.2 shall pass orders within two weeks from the date of receipt thereof.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:02.01.2019

Note: issue c.c. today.

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