

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.655 OF 2020

DATE : 10.01.2020

Between :

Bandla Kiran Kumar S/o Venkateshwarlu,
Aged about 46 years, Occ:Business,
R/o Flat No.401, Plot No.78, 79,
Sai Prahaladha Residents, Road No.19,
Sardhar Patel Nagar, Nizampet X Road,
Kukatpally, Hyderabad and another.

..... Petitioners

And

The State of Telangana,
rep. by its Principal Secretary,
Municipal Administration & Rural Development
Department, Secretariat Buildings,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER :

Heard the learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1 and learned Standing Counsel for respondent No.2.

2. The issue for consideration is, petitioners applied two separate building permissions to construct 1 stilt + 2 upper floors in part of plot bearing No.268, of Sardar Patel Nagar, Hydernagar, Kukatpally, Hyderabad.

3. It appears that though petitioners were required to construct two independent buildings, they have clubbed two buildings and have raised one single construction. This is serious violation. The Municipal Corporation also noticed that the petitioners constructed a cellar and have not observed the set backs norms, as required, and as per the sanctioned plan.

4. Notices under Section 451 (1) and 452 (2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') were issued to petitioners. Petitioners filed this writ petition alleging that without issuing notice under Section 636 of the Act, the respondents started demolishing the structures and the same is illegal.

5. Learned counsel for the petitioners fairly submits that the petitioners would file notarized affidavit before the respondent Corporation stating that the petitioners will not utilize the cellar and will close it immediately and shall also undertake construction

activity strictly in accordance with the building permission granted to them.

6. In view of the above statement, whether the respondent Corporation could have resorted to demolish the structures, without issuing final notice under Section 636 of the Act, need not be gone into at this stage.

7. In view thereof, the respondent authorities are directed not to undertake further demolition work and permit the petitioners to undertake further construction subject to notarized affidavit being filed by the petitioners within two (2) weeks from the date of receipt of a copy of this order undertaking not to utilize the cellar and will close it immediately and would undertake the construction work strictly in accordance with building permission granted. The Joint Commissioner, Greater Hyderabad Municipal Corporation, Kukatpally, Hyderabad, shall inspect the premises of the petitioners on receiving the notarized affidavit and being satisfied about compliance undertaking, shall permit the petitioners to continue with their construction activity and also verify from time to time compliance of construction of building strictly in accordance with building permission granted to them.

8. With the above direction, 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.

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