

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.1706 of 2020

ORDER :

The relief sought in the writ petition is as under:

“..... this Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with construction activity of the petitioner over house property bearing Municipal No.10-2-299/H/2 and 10-2-299/H/A (corresponding to its portion of old house No.10-2-299/H on Plot No.21), admeasuring 207.50 Sq. yards situated at Hanuman Bowli, Mallepally, Hyderabad, which is carrying out strictly in accordance with sanctioned plan vide Permit No.3/C12/12622/2019, dt.19.08.2019 issued by the office of GHMC, Hyderabad, that too without following due procedure contemplated under law, as illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and in violation of Articles 14, 19, 21 and 300-A of the Constitution of India, and consequently direct the respondents not to interfere with the construction activity over subject property without following the procedure contemplated under law and to pass such other order or orders”

Heard learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondent – Corporation.

The basic grievance of the petitioner in the present writ petition is that without issuing any notice, the respondent – Corporation is interfering with the construction activity

being carried on by the petitioner over house property bearing Municipal No.10-2-299/H/2 and 10-2-299/H/A (corresponding to its portion of old house No.10-2-299/H on Plot No.21), admeasuring 207.50 Sq. yards situated at Hanuman Bowli, Mallepally, Hyderabad, in violation of the principles of natural justice.

Learned counsel for the petitioner submits that though the petitioner is proceeding with the construction activity in compliance with the permission granted, the respondents are interfering with the said construction activity.

Per contra, the learned Standing Counsel for the respondent – Corporation submits that though the petitioner has obtained individual permission, by clubbing his land with the neighbours land, the petitioner is constructing a commercial building in the subject premises. The learned Standing Counsel submits that appropriate notice will be issued to the petitioner and action will be initiated as per law.

Having regard to the said submission, the respondents are directed to issue notice to the petitioner as per the provisions of the Hyderabad Municipal Corporation Act, 1955 and take appropriate action as per law.

With the above said observation and direction, this writ petition is disposed of. No order as to costs.

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

JUSTICE P. KESHA RAO

28.01.2020.
Msr



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(Msr)