

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.2908 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the second respondent Corporation.

2. The prayer sought in the writ petition is as under:

'For the above mentioned reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to grant an order, direction or writ, more so in the nature of Writ of Mandamus declaring action of respondent No.2 and 3 in interfering from time to time into the construction activity in his property bearing plot No.9, in survey No.24, in part No.3, admeasuring 1189.00 Square Yards or equivalent to 994.00 square meters situated at Snehita Hills, Phase-I, Peerancheruvu Village and Gram Panchayat, Gandipet Mandal, Ranga Reddy District, Telangana, inspite of having taken permission from Gram Panchayat as is illegal, arbitrary, unconstitutional and against the principles of natural justice and pass such other order or orders as this Hon'ble Court may deem just and necessary in the matter.'

3. Learned counsel appearing for the petitioner submits that the second and third respondents are trying to interfere with the construction activity taken up by the petitioner in Plot No.9 in Sy.No.24 consisting of 1189.00 square yards, equivalent to 994.00 square meters, situated at Snehita Hills, Phase-I, Peerancheruvu Village and Gram Panchayat, Gandipet Mandal, Ranga Reddy District, in spite of taking permission from the Gram Panchayat as arbitrary and illegal. He also submits that no notice was issued before resorting to such interference and partly demolished the structures.

4. Learned standing counsel appearing for the second and third respondents placed on record the notice issued under Section 228(1) and

(2) as well as the notice issued under Section 228(3) of the Telangana Municipalities Act, 1965.

5. From the perusal of the said notices, it is revealed that the first notice was issued in respect of Plot No.10 and it was addressed to one Sanjeeva Reddy. Admittedly, the petitioner is making constructions in Plot No.9 in Sy.No.24 situated at Snehitha Hills, Appa Junction Main Road, Bandlaguda Jagir Municipal Corporation. However, the second notice issued under Section 228(3) of the Municipalities Act clearly indicates that it was issued to the petitioner in respect of the unauthorized construction of stilt, ground plus two floors with all-round deviations.

6. Learned counsel for the petitioner submits that the said notice is not served on him and he seeks permission of this Court to file a detailed explanation, upon which the second and third respondents may be directed to pass appropriate orders.

7. Learned standing counsel also admits that if an explanation is submitted by the petitioner, appropriate orders will be passed.

8. Accordingly, the writ petition is disposed of directing the petitioner to submit an explanation in response to the notices issued under Section 228(1), (2) and (3) dated 04.10.2019 and 14.10.2019 respectively, within a period of one week from the date of receipt of the copy of the order. Thereupon, the second and third respondents are directed to consider the same and pass appropriate orders in accordance with law. Till such orders are passed, no coercive steps shall be taken by the second and third respondents.

9. However, it is made clear that this order will not preclude the second and third respondents from taking appropriate action in respect of the deviations and the third floor constructed by the petitioner.

10. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHA RAO

Date: 13.02.2020

PGS

