

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.34737 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein, the following prayer is made.

“...to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring that the inaction of the respondent Nos.2 & 3 herein in demolishing partly the house building built in the place of APHB Quarter No.4-46/44 in Survey No.131, situated in Gachibowli Village under GHMC, Sherlingampally Circle (11), Ranga Reddy District, Telangana State, is bad, arbitrary and illegal against to the principles of natural justice and consequently, direct the respondents not to demolish the above said petitioner house further direct to restore the damaged portion of petitioner house and to pass such other order or orders...”

2. Heard both sides. Perused the record.
3. During the course of hearing, Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC, would submit that the subject matter of this writ petition is squarely covered by the order, dated 18.10.2016, passed by a Division Bench of the erstwhile High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, in W.P.No.5130 of 2016 and batch.
4. Taking the said submission on record, this writ petition is disposed of with the following direction:

“In case the petitioner had submitted application for regularisation on or before 01.03.2016, the respondent Municipal Corporation shall not take coercive steps to demolish the illegal structures raised by him till orders are passed on his application for regularisation, and the said order is communicated to him. It is open to the Municipal Corporations, in such of those cases where

the application for regularisation are rejected, to initiate action for demolishing the subject structures, in accordance with the provisions of the GHMC Act, and the Rules and bylaws made thereunder. It is made clear that, in such of those cases where applications, seeking regularisation, have not been submitted before 01.03.2016, it is open to the Municipal Corporations concerned to take action, for demolition of the illegal structures, in accordance with law.”

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

Date: 22nd December, 2021
scs

Dr. SHAMEEM AKTHER, J