

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 37280 OF 2022

ORDER:

This writ petition is filed seeking the following relief:

“ ... to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the Notice No.526/TPS/C-1/LNZ/GHMC/2022 dated 19.09.2022 of the 4th respondent in interfering/demolishing of the petitioner house bearing No.4-1-133 an extent of 100 Square yards in plot bearing No.191 in Sy.No.230/1, situated at VST Colony, Nacharam, Kapra Greater Hyderabad Municipal Corporation Limits is illegal, arbitrary, contrary to the provisions of Greater Municipal Corporation Act, Violation of the principles of natural justice and as well as the fundamental rights guaranteed under the Constitution of India and set aside the same consequently direct the respondents not to interfere construction of the petitioner in the above said premises...”

2. Sri A.Jagan, learned counsel for the petitioner, submits that earlier when an order dated 06.08.2022 is passed by the respondent Corporation without considering the explanation of the petitioner, the petitioner has approached this Court by filing W.P.No.32652 of 2022 and this Court by order dated 17.08.2022 has set aside the said order. Thereafter, the respondent Corporation has passed the impugned order dated 19.09.2022. He submits that in the earlier show cause notice, the respondent

Corporation has not even mentioned anything with regard to the construction that is made by the petitioner in deviation to the sanctioned plan. They have only mentioned about a third floor, where a pent house is constructed by the petitioner. The petitioner has submitted his explanation stating that he has not constructed a pent house. He submits that where the show-cause notice does not contain all these, they cannot pass these kind of orders, hence, the same is liable to be set aside.

3. Sri Sampath Prabhakar Reddy, learned Standing Counsel, also does not dispute the fact that the show-cause notice does not contain the details of deviations that are mentioned in the impugned order, but only with regard to unauthorized structure i.e., pent house in the third floor.

4. In that view of the matter, the impugned order is set aside, as far as the deviations that are mentioned with regard to side 1, side 2, front and rear. As far as unauthorised construction of pent house in the third floor is concerned, this Court is not inclined to interfere with the impugned order and with regard to this, the order of the respondent Corporation is confirmed and the respondent Corporation is at liberty to take further action.

5. With the above said observations, the Writ Petition is disposed of.

No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

September 26, 2022

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