

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE EIGHTH DAY OF NOVEMBER TWO THOUSAND AND NINETEEN

**:PRESENT:
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

**IA No. 1 OF 2019
IN
WP NO: 24611 OF 2019**

Between:

Mr.Mohammed Moinuddin, S/o. Mohammed Mahboob Ali.

...Petitioner
(Petitioner in WP 24611 OF 2019
on the file of High Court)

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat Buildings, at Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Hyderabad.
3. The Deputy Commissioner, Circle No.12, Greater Hyderabad Municipal Corporation, Khairtabad, Hyderabad.
4. The Assistant City Planner, Town Planning Section, Circle No.12, Greater Hyderabad Municipal Corporation, Khairtabad, Hyderabad.
5. Mrs.Shaheen Begum, W/o.Late Mohammed Habeebuddin, Aged about 49 years, Occ. Housewife, R/o. Flat No.302, H.No.13-6-434/A/142, Ahmed Hussain Residency, Sardar Bagh, Langer House, Hyderabad-28
6. Mrs.Arshiya Begum, W/o. Ashfaq Hussain, Aged about 31 years, Occ. Housewife, R/o.H.No.12-2-313/A/1, Muradnagar, Asifnagar, Hyderabad-28
7. Mrs.Jahangeer Begum, W/o. Fareedullah Khan, Aged about 29 years, Occ. Housewife, R/o. Flat No.302, H.No.13-6-434/A/142, Ahmed Hussain Residency, Sardar Bagh, Langer House, Hyderabad-28

...Respondents
(Respondents in-do-)

Counsel for the Petitioner : Sri NAZIR AHMED KHAN

Counsel for the Respondent No.1: GP FOR MCPL ADMN AND URBAN DEV (TG)

Counsel for the Respondent Nos.2 to 4 : Sri N. Ashok Kumar.

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Official Respondents more particularly the Respondent Nos.2 to 4 to consider the Writ Petitioner's written representations dt.14-10-2019 and also reminder on 22-10-2019 by taking necessary action of demolition against the Unofficial Respondent Nos.5 to 7 who have carried out the illegal construction of first and second floor without obtaining any municipal sanction plan in respect of House bearing Municipal No.12-2-202/A, admeasuring 75 Sq.Yards, situated at Muradnagar, Hyderabad and now proceeding with unauthorized construction on third floor by raising columns on the terrace of the second floor of the said premises, in the interest of justice, pending disposal of WP No. 24611 of 2019, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

The petitioner alleges that respondent Nos.5 to 7 are making constructions in the subject property without obtaining any permission and the same would jeopardise the lives of others as the existing structure cannot take load of construction of extra floors.

This Court dealt with identical issue in W.P.No.20000 of 2006 and passed orders on 27.10.2006 disposing of the same. Conclusive portion of the said order reads as under:

"Hence, the writ petition is disposed of as infructuous with liberty to the petitioner to seek revival of the same, if final action is not taken by the municipal authorities within a reasonable time.

Needless to say that this order shall not preclude respondent No.2 from showing to the concerned authority of the municipality that the construction being raised by her is not in violation of the sanctioned plan and that she would make further construction strictly in accordance with the sanctioned plan.

While disposing of the writ petition in the manner indicated above and by taking cognizance of a large number of similar petitions which are filed before this Court with the complaint that despite representations and legal notices, the authorities of the municipality do not take action to stop illegal and unauthorized constructions, we deem it proper to issue the following general directions:

- 1) The Commissioners and/or other concerned authorities of the Municipal Corporations and Municipalities in the State of Andhra Pradesh should within a period of 15 days from the date of receipt of representation made or notice sent by any person with the complaint regarding illegal/unauthorized construction, invariably give a written response to the person sending representation or notice."
- 2) The concerned authorities of the Municipal Corporations or Municipalities shall take necessary measures/steps to ensure that no one is allowed to raise construction without obtaining the building plan sanctioned from the competent authority and no construction is made in violation of the sanctioned plan or master/zonal plan/layout."

In those circumstances, the respondent authorities shall forthwith take action on the representation, dated 14.10.2019, submitted by the petitioner subject to the general directions issued in the afore-stated order.

//TRUE COPY//

SD/- K.SAILESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat Buildings, at Hyderabad.
2. The Commissioner, The Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The Deputy Commissioner, Circle No.12, Greater Hyderabad Municipal Corporation, Khairtabad, Hyderabad.
4. The Assistant City Planner, Town Planning Section, Circle No.12, Greater Hyderabad Municipal Corporation, Khairtabad, Hyderabad.
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8. One CC to SRI NAZIR AHMED KHAN, Advocate [OPUC]
9. Two CCs to GP FOR MCPL ADMN & URBAN DEV (TG), High Court at Hyderabad. [OUT]
10. One spare copy

HIGH COURT

CKR,J

DATED:08/11/2019

ORDER

**I.A.NO.1 OF 2019
IN
WP.No.24611 of 2019**



DIRECTION