
(2024) 05 TEL CK 0004

High Court For The State Of Telangana:: At Hyderabad

Case No: Writ Petition No. 13081 Of 2024

Chowdavarapu Kesava Rao

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision: May 9, 2024

Acts Referred:

- Greater Hyderabad Municipal Corporation Act, 1955 - Section 654, 655

Hon'ble Judges: C.V. Bhaskar Reddy, J

Bench: Single Bench

Final Decision: Disposed Of

Judgement

1. This writ petition is filed seeking the following relief:

"...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.5 in issuing the Show Cause Notice vide File No.15/2/UC/C5/LBNZ/GHMC/2024, dated 19.04.2024 and trying to demolish the house of authorized construction of the petitioner which has construction permission, granted to the petitioner on his House bearing No.P.No.71 in H.No.9-15/2WP, Sy.No.198 to 2023 admeasuring 150 sq.yards, Road No.6A, Dwarakapuram, Chaitanyapuri, Hyderabad, without considering the explanation of the petitioner 26.04.2024, as highly illegal, arbitrary....."

2. The petitioner claims to be the owner and possessor of House in Plot No.71 bearing H.No.9-15/2WP, Sy.No.198 to 2023 admeasuring 150 sq.yards, Road No.6A, Dwarakapuram, Chaitanyapuri, Hyderabad. It is the case of the petitioner that the respondent Municipal Corporation has issued show cause notice vide File No.15/2/UC/C5/LBNZ/GHMC/2024, dated 19.04.2024 directing him to remove the unauthorised construction made by him contrary to the sanctioned plan. It is the further case of the petitioner that soon after the receipt of show cause notice, he submitted detailed explanation dated 26.04.2024 stating that he constructed a room for accommodation of watchman and extension of slab for protection from heat.

The grievance of the petitioner is that pending consideration of the said explanation, the respondents are forcing the petitioner to remove the alleged deviations/unauthorised constructions to the House bearing H.No.9-15/2WP.

3. Sri Durga Prasad, learned Standing Counsel appearing for the respondents on instructions submits that the respondent Municipal Corporation, having found that the petitioner proceeded with the construction in deviation of the sanctioned plan, issued show cause notice dated 19.04.2024 and since the explanation submitted by the petitioner stating that he had constructed the room in the stilt portion to accommodate the watchman is not satisfactory, they have passed orders dated 03.05.2024 directing the petitioner to remove unauthorised/illegal constructions carried on by him contrary to the sanctioned plan.

4. Sri Rapolu Bhaskar, learned counsel for the petitioner contended that the petitioner had not received orders dated 03.05.2024 and the respondents without serving the copy of the said orders, are forcing the petitioner to remove illegal constructions.

5. Learned Standing Counsel served copy of the order dated 03.05.2024 passed by the respondents to the learned counsel for the petitioner.

6. In view of the orders that have already been passed by the respondents, the petitioner is permitted to avail the remedies by filing an appeal under Sections 654 and 655 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') on the file of the concerned Court. As per Section 654 of the Act, the limitation period prescribed for filing an appeal is 30 days. Till the limitation period prescribed under Section 654 of the Act elapses, the respondents are directed not to take any coercive steps against the petitioner.

7. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.