

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.32151 of 1998

Dated 30th Day of April, 2007

Between:

P.C.Seethamma
and four others

.. Petitioners

And

The Govt. of A.P. rep. by
Secretary, Municipal Administration Dept.,
Govt. of A.P., Secretariat Building,
Hyderabad
and another
Respondents

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ORDER:

This writ petition is filed to quash the Notice dated 3/4.11.1998 issued by the 2nd respondent-Municipal Corporation of Hyderabad, and consequently direct the respondents not to proceed further to demolish the petitioners' building bearing D.No.3-5-947/948 situated at Narayanaguda, Hyderabad.

The petitioners assert that they are the owners of the premises bearing D.No.3-5-947/948 situated at Narayanaguada, Hyderabad. They constructed this house after obtaining necessary permission from the Hyderabad Urban Development Authority and the Municipal Corporation of Hyderabad by surrendering 15' strip of land for widening the existing road to 100' in the first instance free of cost and maintaining 15' open space in the front in addition to the portion affected in road widening among other conditions which were duly complied with. Now, their grievance is that the Commissioner, who is representing the 2nd respondent-Municipal Corporation of Hyderabad, by his letter dated 3/4-11-1998, informed that he has proposed to widen the road to 100' as per the approved Master Plan and Zonal Development Plan and also threatening them to demolish the building any moment.

In spite of the fact that notices are served on the respondents, they have not chosen to file counter affidavit. Hence, this Court has no option but to accept the contentions put forth by the learned counsel for the petitioners.

No doubt, a Notification was issued under Sub-Section 2 of Section 12 of A.P. Urban Areas (Development) Act, 1975 and as per variation, the party should surrender 15' strip of the land for widening the existing road to 100' in the first instance free of cost and as it is stated by the petitioners that this condition is strictly adhered to while making construction of the building and the same is not disputed, this Court has no objection but to quash the notice dated 3.11.1998 issued by the 2nd respondent.

In the result, this writ petition is allowed and the notice, dated 3.11.1998 issued by the 2nd respondent is hereby quashed, and consequently, the respondents are restrained from proceeding further to demolish the petitioners' building. No costs.

bcj

30.04.2007