

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2307 OF 2015

ORDER

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This writ petition is filed seeking *Writ of Mandamus* declaring the action of the respondents in interfering with the petitioners possession and enjoyment of their shops situated in cellar floor of Ratna Arcade by threatening to demolish the same, as illegal and arbitrary and consequently to direct the respondents not to interfere with the same.

The case of the petitioners is that petitioners 1 and 2 have jointly purchased a shop bearing No.2 situated in the said Apartment for valuable consideration vide document dated 07.10.1994 from Ravi Developers, and the petitioner No.3 has purchased Shop No.1 from one Kanuganti Jyothi vide document dated 23.06.2012. They are paying the property tax for commercial use of the same. It is stated that petitioners shops are in existence for the past several years. While so, the officials of the 2nd respondent are threatening to demolish the shops in question. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioners submits that the petitioners have purchased the above shops through registered sale deeds and the action of the respondents in proposing to demolish the said shops without issuing any notice, is illegal. Therefore, he seeks direction in this regard.

Sri S.Lakshmi Narayana Reddy, learned Standing Counsel for respondent-Corporation on the other hand submits that the builder of the said apartment has not obtained any valid permission for construction in the cellar portion. He further submits that the cellar portion is meant for parking place of the visitors and inmates of the apartment. According to him, the said complex lacks parking place, thereby it is causing inconvenience to the visitors and inmates of the building. Further, the vehicles are parked in front of the building.

In the affidavit filed in support of this petition, it is admitted that the cellar portion is meant for parking place besides a power room, pump

room, AC plant room and watchman cabin. It is the case of the petitioners that power room, pump room and AC plant room have been converted into shops by the Developer and that none of the inhabitants or visitors of the apartment have raised any objection or inconvenience in any manner for conversion of the same into shops. No proceedings are filed before this Court evidencing conversion of the cellar portion into shops. In fact, the permission sanctioned by the VUDA vide proceedings No.327/89-H2, dated 15.06.1989 disclose that cellar portion is only meant for parking. In the absence of the documents converting the cellar portion into shops, the petitioners cannot contend that they can continue in the said premises. In that view of the matter, I do not see any merit in the writ petition. Accordingly, writ petition is dismissed.

The miscellaneous petitions if any in this writ petition shall stand disposed of. There shall be no order as to costs.

A.RAJASHEKER REDDY,J

Date: 18.02.2015

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