

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2077 of 2015

Date:30.11.2015

Between:

Kancharana Raghu,

S/o Late Sitaramayya and 12 others.

..... Petitioners

And:

The State of A.P., repled., by its

Principal Secretary, Municipal

Administration & Urban Development

Department, Hyderabad

and two others.

.....Respondents

Counsel for the Petitioners: Mr. V.V.N.Narayana Rao

Counsel for Respondent No.1: AGP for Municipal Admn. (AP)

Counsel for Respondent No.3: AGP for Home (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent Nos.2 and 3 in interfering with the construction of the compound wall by the petitioners under a deemed sanction, as per Section-437 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), as illegal and arbitrary.

Along with the counter-affidavit of the Commissioner of respondent No.2-Municipal Corporation, a copy of endorsement vide BA.No.10736/2014/DCP-II/G1, dated 04.3.2014, has been filed, wherein respondent No.2 has rejected the petitioner's application for permission to raise compound wall.

At the hearing Mr. V.V.N.Narayana Rao, learned counsel for the petitioners, submitted that in view of this subsequent endorsement, which came to the notice of the petitioners for the first time after the filing of the counter-affidavit by respondent No.2, the petitioners may be permitted to withdraw this Writ Petition with liberty to avail appropriate remedy in order to question the said endorsement.

The Writ Petition is, accordingly, dismissed as withdrawn with liberty to the petitioners in terms of the prayer made.

As a sequel to dismissal of the Writ Petition, W.P.M.P.Nos.2772 and 3936 of 2015 are dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

30th November, 2015

DR