

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10348 of 2015

DATED : 27.08.2015

Between :

Siddique Mohammed S/o.Ahmed Ali Mohd.
Aged about 39 yrs, Occu : Private Employee,
R/o.H.No.8-1-402/306, Gulshan Colony,
Shaikpet, Hyderabad.

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Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & others.

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Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Heard learned counsel for petitioner and learned Standing counsel for the Respondents 2 to 5 and with their consent, the writ petition is taken up for disposal at the admission stage.

2. This writ petition is filed questioning the action of the respondents 2 to 5 in not taking action on the representations of the petitioner dated 26.09.2014, 10.11.2014 and 24.11.2014 regarding illegal and unauthorized constructions made by the 6th respondent in deviation to the sanctioned plan, as illegal.

3. The petitioner is the owner of house bearing Municipal No.1-61/5/A, Rahmat-Gulshan Colony, Gachibowli Village, Serlingampally Mandal, Ranga Reddy District. The 6th respondent who is the neighbour of petitioner, started construction through builders in H.No.1-61/1, Plot No.25/A, Sy.No.8, Rahmat-Gulshan Colony, behind Maharaja Hotel, Gachibowli Circle, Ranga Reddy District, by obtaining permission dated 06.01.2014 from the respondent authorities, for stilt and three floors. He further alleges that when the construction was started, the 6th respondent damaged the property of the petitioner and when questioned about the same, one of the builder stated that they are constructing Apartment and, raised pillars just beside the property of the petitioner and the beam of the first floor is just about a feet away from the property of the petitioner, violating the approved municipal plan. When questioned the same, the 6th

respondent stated that they have obtained permission only for the purpose of records and that they would construct the building as per their wish and threatened with dire consequences. He further alleges that the 6th respondent is constructing the building by deviating the approved municipal plan and without leaving any set backs. Bringing to the notice of the respondent authorities about the illegal constructions of the 6th respondent, the petitioner submitted representations dated 26.09.2014, 10.11.2014 and 24.11.2014. Pursuant to the representations the respondent authorities have issued several notices to the 6th respondent, but no action was taken. Thereafter, again on the complaint of the petitioner, the respondent authorities only for the sake of records, have proceeded with demolition process and made two small holes on the terrace of the 5th floor and thrown the debris on the property of the petitioner causing damage to the asbestos sheets. Since no action is taken by the respondent authorities on the representations submitted by the petitioner, this writ petition is filed.

4. When the matter is taken up, both counsel agreed for disposal of the writ petition with a direction to the respondent authorities to expeditiously dispose of the representations dated 26.09.2014, 10.11.2014 and 24.11.2014 submitted by the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, writ petition is disposed of directing the respondent authorities to consider the representations of the petitioner dated 26.09.2014, 10.11.2014 and 24.11.2014 and pass appropriate orders as warranted under law within a period of six weeks from the date of receipt of copy of this order and communicate the decision to the petitioner. The respondent authorities shall cause notice and afford due opportunity to the 6th respondent before passing orders on the representations of the petitioner. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

27th August, 2015.
Rds

P.NAVEEN RAO,J