

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WEDNESDAY, THE NINETEENTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.39418 of 2014

Between:

G. Raveen Kumar, S/o. Late Srisailam,
Aged 32 years, Occ: Business,
R/o. H.No.5-4-55, Bhavani Colony,
Rajendranagar, Hyderabad-30 & another

.. Petitioners

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This writ petition is filed challenging the inaction on the part of the respondent Municipal Corporation with reference to the illegal construction made in the premises bearing Door No. 15-6-615 to 619, to an extent of 101 square feet, situated at Siddambar Bazar, Hyderabad, by the 4th respondent, even though such construction is made without any approved building permission and not taking action when such illegal construction takes place is arbitrary, discriminatory and obligation of statutory responsibilities. The petitioners also filed material to support their contention that no such building permission was granted.

2. Having regard to the averments made in the affidavit filed in support of the writ petition, this Court, by order, dated 23.12.2014, passed interim order directing the respondents to take appropriate action against the illegal construction in the subject premises made by the 4th respondent, forthwith pending disposal of the writ petition.

3. Praying to vacate the interim order, dated 23.12.2014, the 4th respondent filed W.V.M.P.No.2640 of 2015.

4. When the matter is taken up for consideration, the learned Standing Counsel filed counter affidavit and along with

the counter affidavit, the learned Standing Counsel enclosed a copy of the order passed by the VI Junior Civil Judge, City Civil Court, Hyderabad, dated 12.09.2014, made in I.A.No.547 of 2014 in O.S.No.1624 of 2014, wherein a direction to maintain *status quo* was passed. It is represented that the said *status quo* order is extended from time to time and is in operation. The said suit is instituted by the 4th respondent herein and other owners of the individual shop units in the said building premises alleging illegal interference by the respondent Municipal Corporation in the suit schedule property and alleging that the respondent Corporation is trying to demolish the structures. As noticed above, the said injunction order was granted prior to institution of the writ petition and passing of the interim orders by this Court.

4. It is also represented that the petitioners, having come to know of the institution of the suit, have already filed application seeking to implead as defendants.

5. It is seriously contested by both the parties on the issue of building permission. Learned counsel for the petitioner submits that no building permission was granted, whereas the learned counsel appearing for the 4th respondent seriously contends that the building permission was already obtained and the construction was made in accordance with the building permission. These are the matters which require consideration by the trial Court where the suit is pending.

6. Having regard to the fact that the above premises is the subject matter of the suit pending before the VI Junior

Civil Judge, City Civil Court, Hyderabad, this Writ Petition is disposed of, vacating the earlier interim order granted in W.P.M.P.No.49441 of 2014 on 23.12.2014. All the issues raised in the writ petition are left open and it is open to the petitioners to contest the said suit and prosecute the matter further. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 19th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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Date: 19th August, 2015

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