

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27472 of 2015

DATED : 31.08.2015

Between :

Shankar Yadav S/o.Bajrang Lal Yadav,
Aged 35 yrs, R/o.H.No.14-4-92,
Multanipura, Begum Bazar,
Hyderabad.

.. Petitioner

and

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

.. Respondents

This court made the following :

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ORDER :

The petitioner claims to be a resident of Begum Bazar. According to the petitioner, his brother by name Omprakash Yadav used to take up electric decoration contract work. While undertaking the work of decoration to the building of respondents 4 to 6 on 26.05.2015, he fell down from the 2nd floor and while undergoing treatment in Osmania General Hospital, he died of severe injuries. On enquiry, it was found that illegal construction was taken up by respondents 4 to 6 and even before the construction work was completed, the building was sought to be decorated and all this could not have been happened, but for the negligence of the authorities in permitting the respondents 4 to 6 to undertake construction more than what was permitted to them. Alleging that no action is taken by the respondent authorities inspite of making several complaints, this writ petition is filed.

2. Learned Standing counsel filed counter affidavit enclosing relevant notices issued to respondents 4 to 6. He submits that though permission was granted only for ground + first floor, the respondents 4 to 6 have constructed second, third and fourth floors also. Therefore, notices under Section 452 (1) of Hyderabad Municipal

Corporation Act (for short 'the HMC Act'), followed by notice under Section 452 (2) and notice under Section 636 of the HMC Act were issued to respondents 4 to 6. Challenging these notices, the 4th respondent instituted O.S.No.1072 of 2014 on the file of IV Junior Civil Judge, City Civil Court, Hyderabad, and consequently the said Court granted injunction order in I.A.No.474 of 2014 which order is extended from time to time. Learned counsel therefore, submits that in view of the injunction order granted by the competent court, no further action is taken.

3. As seen from the counter affidavit, it cannot be said that there was inaction on the part of the respondent-Corporation in taking action against respondents 4 to 6 for making illegal construction. Moreover on the subject matter suit is pending. Therefore, the writ petition is liable to be dismissed and is accordingly, dismissed. However, liberty is granted to the petitioner to file a petition before the concerned Court seeking his impleadment as a defendant and pursue the matter as warranted by law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

31st August, 2015.
Rds

P.NAVEEN RAO,J