

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.16300 of 2015

ORDER :

With the consent of the learned counsel for petitioner as well as the learned Standing Counsel, representing the Greater Hyderabad Municipal Corporation, this writ petition is being disposed of, at the admission stage.

2. The grievance of the petitioners is that respondent Nos.4 and 5 made illegal constructions of Two-storied building in the premises bearing Municipal No.21-3-592, situated at Panchi Buraq, Moosa Bowli, Hyderabad, by encroaching upon the road margin. It is the further case of the petitioners that respondent Nos.4 and 5 recently started undertaking construction of 2nd and 3rd Floors in the same premises. They have raised pillars, laid roofs and started constructing the walls. Alleging such illegal construction, on 23.9.2014, the petitioners claimed to have lodged a complaint before respondent Nos.1 to 3. There was no action taken on the said complaint. The petitioners lodged a complaint before the police authorities on 5.2.2015 and on 1.4.2015 a further complaint was lodged with the Assistant City Planner (3rd respondent herein). Alleging that no action was taken on the said complaints and the illegal construction continued, this writ petition is instituted.

3. The learned Standing Counsel, representing the Greater Hyderabad Municipal Corporation, has produced a copy of notice

dated 4.6.2015 issued under Sections 452 (1) and 461 (1) of the Hyderabad Municipal Corporations Act, 1955 (for brevity “the Act”), calling upon the owner of the subject building to submit explanation against the unauthorized construction on 3rd floor. As no reply was given by the owner of the building, a further notice was issued on 12.6.2015 under Section 452 (2) of the Act. The learned Standing Counsel submits that further action will be taken as warranted by law in due course.

4. Thus the grievance of the petitioner stood answered and the cause in the writ petition does not survive for adjudication.

5. Accordingly, this writ petition is disposed of. However, it is made clear that the official respondents shall take action in accordance with the procedure contemplated by the Hyderabad Municipal Corporations Act, 1955, without further delay, after due consideration of the explanation submitted by the alleged party or if no explanation is submitted within the time granted. The disposal of this writ petition does not bar the aggrieved party to agitate in accordance with law against the action initiated by the Greater Hyderabad Municipal Corporation.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE P. NAVEEN RAO

24.06.2015.
Msr

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