

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.A.No.871 of 2015

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

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The writ appeal is directed against the order dated 19.08.2015 in W.P.No.39418 of 2014. The petitioners are the appellants.

Heard Mr.T.Rajinikanth Reddy, learned counsel for the appellants, learned Government Pleader for Municipal Administration for respondent No.1, Sri P.Keshava Rao, learned counsel for respondents 2 and 3 and Sri C.Damodar Reddy, learned counsel for 4th respondent.

The appellants prayed for Mandamus declaring the inaction of respondents 2 and 3 in taking action against the illegal construction in premises No.15-6-615 to 619, Siddambar Bazar, Hyderabad, made by the 4th respondent, as illegal and contrary to the Greater Hyderabad Municipal Corporation Act and prayed for consequential direction to remove the alleged illegal constructions at the subject premises.

It is not in dispute that in respect of the subject premises a suit in O.S.No.1624 of 2014 in the Court of VI Junior Civil Judge, City Civil Court, Hyderabad, is pending. The respondents herein are the parties to the said suit. The appellants have filed application to get impleaded as defendants in the suit. The applications are admittedly pending. Having regard to these circumstances, the writ petition was dismissed by recording the following finding:

“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

We have perused the material available on record and taken note of the submissions of the learned counsel appearing for all the parties. For the nature of disposal we propose to give to the instant writ appeal, we are satisfied that the contentions need not be referred to or a finding is recorded by this Court. Further, we are in agreement with the view taken by the learned Single Judge and accordingly the writ appeal is liable to be dismissed.

It is made clear that either the dismissal of writ appeal or the writ petition shall not be treated as expressing any view on the grievance canvassed by the appellants against the alleged illegal constructions raised by the 4th respondent herein. The appellants as well as respondents 2 and 3 herein are free to take appropriate steps in the pending suit for vacation of interim order or obtain such other or further orders as are deemed fit and proper in the circumstances of the case.

Writ appeal is dismissed with the above observation.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 29.09.2015

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