

**HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT APPEAL No. 17 OF 2015

JUDGMENT: (per the Hon'ble Sri Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

Counsel for respondent No.1 informs that during pendency of this appeal the structure in dispute has been demolished and, therefore, the appeal has rendered infructuous. In the writ petition, the appellant has challenged the notice dated 17-07-2013 issued by the 1st respondent – Corporation under Section 457 of the Hyderabad Municipal Corporation Act, 1955. Counsel for the appellant does not dispute that after disposal of the writ petition and during pendency of this appeal, the structure has been demolished. He, therefore, submits that the appeal may be disposed of with liberty to the appellant to adopt appropriate remedy for protecting their right/interest in the property.

From perusal of the order passed by the learned single Judge, it is clear that the appellants are at liberty to avail such remedy as is available to them to protect their interest in that respect. We do not find it is necessary to make similar observation again. It is always open to the appellants to adopt appropriate remedy, if any, to protect their interest and to rely on the judgment, placed by the learned counsel for the appellants for our consideration in ***Shaha Ratansi Khimji & Sons vs. Proposed Kumbhar Sons Hotel P Ltd & Ors***^[1].

With these observations, the appeal is dismissed as infructuous. Consequently, miscellaneous petitions, if any, also stand disposed of. No costs.

DILIP B. BHOSALE, J

21-01-2015
ks

[\[1\]](#) 2014 Law Suit (SC) 566