

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9441 of 2015

Date: 06-04-2015

Between:

P. Jyothi

.. Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Municipal Administration
& Urban Development Hyderabad and another

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9441 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the action of the respondents in attempting to demolish small room adjacent to electrical meter room in H.No.10-88, Balaji Enclave Apartment, Indira Nagar, Gopalapatnam, Visakhapatnam as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the 2nd respondent not to demolish the said small room adjacent to the Electrical meter in the subject property.

2. The case of the petitioner is that her husband is working as Watchman in Balaji Enclave, situated at Indira Nagar, Gopalapatnam, Visakhapatnam and she is working as servant maid in the said apartment. It is stated that a notice was issued to the flat owners of the said apartment under Sections 451 and 452 of the Greater Hyderabad Municipal Corporation Act, 1955 stating

that the parking place earmarked for the same was converted into residential purposes and utilization of stilt floor for other purposes contrary to rules and regulations and also directed to show cause why the such portion of the structure shall not be removed. It is also stated that the officials of the 2nd respondent came to the premises and directed the petitioner to vacate from the said room. It is further stated that if no place is provided to the watchman in the apartment, it will be difficult for them to do their duties. Aggrieved by the same, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and Sri S. Lakshminarayana Reddy, learned standing counsel for the respondent Corporation.

3. Learned counsel for the petitioner submits that since neither the flat owners nor the builder have come forward to respond to the impugned notice, the petitioner being a Watchman is residing in the room sought to be removed and that if the said portion is removed, the petitioner will be thrown on road.

4. On the other hand, learned standing counsel submits that the respondent Corporation is not taking any steps for demolition of watchman room, but is taking steps to remove the structure near the electrical meter in the said apartment and that the petitioner has no locus standi to question the impugned notice, more so, it is only show cause notice.

5. Having regard to the facts and circumstances of the case, the fact remains that the petitioner is neither a flat owner nor the builder to whom the impugned notice was issued and thus the petitioner has no locus standi to file the writ petition and the impugned notice is only show cause notice, and hence, the writ petition is devoid of merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be

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

A. RAJASHEKER REDDY, J

Date: 06-04-2015

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