

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31044 OF 2011

ORDER

This writ petition is filed for a *writ of mandamus* directing the respondents 1 and 2 to take immediate steps for removal of illegal structures by the respondents 3 to 5 over the public road and over the compound wall of the petitioner's property on the southern side bearing Municipal No.8-3-224/B/6, Bhashyam Kamineni Residency, Plot No.6, admeasuring 524 sq.yards, forming part of Sy.No.96 within the limits of Greater Hyderabad Municipal Corporation, Circle X, Yousufguda Basti, Hyderabad.

The case of the petitioner is that he is absolute owner of the house bearing Municipal No.8-3-224/B/6, Bhashyam Kamineni Residency, Plot No.6, admeasuring 524 sq.yards, forming part of Sy.No.96 within the limits of Greater Hyderabad Municipal Corporation, Circle X, Yousufguda Basti, Hyderabad having purchased the same under a registered sale deed dated 10.08.1979. After purchasing the schedule property, the petitioner obtained construction permission from the then M.C.H., and constructed a building over the schedule property. Later, with a view to develop the above said property, the petitioner gave the property for development to one M/s.Sree Constructions. Accordingly, the builder developed the said property and handed over the share of the petitioner and alienated his share to the prospective purchasers. While so, the respondents 3 to 5, without any authority of law encroached the public place meant for public road and constructed a shed auto-garage by laying teen sheets over the compound wall of the petitioner causing damage to the compound wall and also inconvenience to the occupants of the premises. With regard to the raising of illegal constructions, the petitioner made a complaint to the respondents 1 and 2 on 10.11.2011 and 12.11.2011 and requested them to remove the unauthorised constructions. As no action has been taken, the present writ petition is filed.

The respondents 3, 4 and 5 filed counter stating that the official respondents have issued notices dated 26.11.2011 and 05.12.2011 under Section 461 and 452 of H.M.C. Act, 1955 respectively and in pursuant to the same the unofficial respondents have submitted explanation, but no orders have been passed till date.

Since the notice dated 26.11.2011 refers to the name of the petitioner, it cannot be said that the respondents have not taken action against the unofficial respondents 3, 4 and 5. Further, this Court cannot decide whether the violations are committed or not. Having issued notices, it is for the 2nd respondent to take further action as per law. In view of the same, the 2nd respondent is directed to consider the explanation filed by the unofficial respondents 4 and 5 and also the explanation of the unofficial respondent 3, if any, and take appropriate action in accordance with law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 02.07.2015

dv