

HONOURABLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.16361 OF 2015

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Date: 29.06.2015

Between :

Mr. Syed Raziuddin, S/o. Mr.Syed Ghiyazuddin,
Aged 50 years, Occu:Business, R/o.H.No.5-6-172,
Aghapura, Hyderabad and others.

... Petitioners

and

The State of Telangana, rep.by its Principal
Secretary, Municipal Administration and Urban
Development Department, Secretariat Buildings,
Hyderabad and others.

... Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

First petitioner claims to be the owner and in possession of the house property bearing Municipal No.5-6-172 of Aghapura, Hyderabad. Petitioners 2 to 4 are also owners of residential house property bearing Municipal Nos.5-6-171/1/1, 5-6-94 and 5-6-30 of the said village. Respondents 5 to 7 are owners of the property bearing Municipal No.5-6-173. According to the deponent, the said property is situated on the northern side of the house of deponent. Petitioners allege that on 30.04.2015, respondents 5 and 6 obtained two separate building permissions to construct ground plus first upper floor. Contrary to the permission granted to them, they have dug a pit to the depth of 15 feet for the total extent of their land with a view to construct a cellar portion. Having noticed the same, representation was submitted by the petitioners on 29.05.2015 requesting the GHMC authorities to take necessary action, followed by another representation on 01.06.2015. Alleging that no action was taken on the representation given by the petitioners and on the contrary respondents 5 and 6 are undertaking to construct illegal building, this writ petition is filed.

2. When the matter is taken up for consideration, learned standing counsel appearing for GHMC and learned counsel appearing for respondents 5 to 7 submit that show cause notice under Section 452(1) of Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'Act, 1955') was issued on 28.05.2015 pointing out illegal constructions contrary to the permission granted and in violation of Building Bye-laws and Zoning Regulations and called for their explanations and directed them to

appear before the Assistant City Planner on 02.06.2015. Since no response was given to the authorities, notice under Section 452(2) of the Act, 1955 was issued on 05.06.2015. In the mean time aggrieved by the issuance of notice, the respondents 5 to 7 and three others instituted O.S.No.1150 of 2015 on the file of VI Junior Civil Judge, City Civil Courts, Hyderabad. In I.A.No.371 of 2015, the said Court passed orders on 03.06.2015 directing the parties to maintain *status quo* obtaining as on that day and matter was directed to be listed on 13.07.2015.

3. As seen from the list of dates, even before a complaint was lodged by the petitioners, action was initiated. The grievance of the petitioner is that on the complaint given by the petitioner, no action is taken. The material circulated by the standing counsel would disclose that the action was already initiated and because of the injunction orders granted by the trial Court, no further steps are taken. In view of the fact that the respondent corporation already initiated action and the suit is pending on the same subject, writ petition need not be kept pending. It is open to the petitioners to implead as defendants in O.S.No.1150 of 2015 on the file of VI Junior Civil Judge, City Civil Courts, Hyderabad, if so advised and prosecute against the claim made by the respondents 5 to 7 herein.

4. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE P.NAVEEN

RAO

Date: 29.06.2015
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Oval:

HON’BLE SRI JUSTICE P.NAVEEN RAO

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