

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**TUESDAY, THE EIGHTEENTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14038 of 2015

Between:

Nafees Ahmed Siddiqui,
S/o. Jaleel Ahmed Siddiqui,
Aged about 35 years, Occ: Business,
R/o. H.No.22-8-45/5,
1st Floor, Jamal Market, Chatta Bazar,
Hyderabad, Presently residing in USA
Rep. by his GPA Holder Sri Mohd. Naseruddin Khan
.. Petitioner

AND

The Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner & Special Officer,
Tankbund, Hyderabad & 3 others
.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This writ petition is filed questioning the action of respondents 1 to 3 in not taking any action against the illegal and unauthorized construction taken up by the 4th respondent in premises bearing No.22-8-37 to 41, situated at Chatta Bazar, Hyderabad, by considering the legal notice, dated 15.07.2014, got issued by the petitioner and the representation, dated 28.07.2014, as illegal and arbitrary and consequently to direct respondents 1 to 3 to take necessary action under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, against the unauthorized construction started by the 4th respondent in the said premises.

2. Heard the learned counsel for petitioner and learned Standing Counsel for the Greater Hyderabad Municipal Corporation for respondents 2 and 3 and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. The petitioner claims to be absolute owner and possessor of premises bearing No.22-8-37 to 41, admeasuring 108.7 square feet in the land admeasuring 12.08 square yards, situated at Chatta Bazar, Hyderabad, having purchased the same by way of registered Sale Deeds, dated 12.07.1999 and 15.06.2004. The petitioner claims that the 4th respondent is the owner and possessor of the premises bearing No.22-8-37,

situated at Chatta Bazar, Hyderabad, and she obtained building permission from the respondents on 27.11.2013 for construction of ground plus one floor after dismantling the existing house. The petitioner further submits that the 4th respondent demolished her old building in February, 2014 and started the construction and contrary to the building permission and sanctioned plan, the 4th respondent dug the land for cellar and also raised the structures in the said premises. The petitioner got issued a legal notice, dated 15.07.2014, to respondents 1 to 3 complaining about the unauthorized construction by the 4th respondent, who is the immediate neighbour of the petitioner. The petitioner also made a representation to respondents 1 to 3 on 28.07.2014, but so far, no action is taken and the same is pending.

4. When the matter is taken up, both counsel agreed for disposal of the writ petition with a direction to respondents 1 to 3 to expeditiously dispose of the complaint of the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondents 1 to 3 to consider the complaint of the petitioner, dated 28.07.2014, and after affording reasonable opportunity to the 4th respondent, pass appropriate orders as warranted under law within a period of six (6) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 18th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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