

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.36687 of 2015

Date:13.11.2015

Between:

Samiullah Qureshi,

S/o Mohd. Kaleemullah

..... Petitioner

And:

State of Telangana, repled by its

Principal Secretary, Municipal

Administration & Urban Development

Department, Hyderabad and six others.

.....Respondents

Counsel for the Petitioner: Mr. Sreenivasa Rao Velivela

Counsel for Respondent No.1: AGP for Municipal Administration (TS)

Counsel for Respondent Nos.2 to 4: Mr. N.Ashok Kumar

The Court made the following:

ORDER:

The petitioner, who claims to be a business man, filed this Writ Petition without disclosing the nature of business he is carrying on.

His grievance is against respondent Nos.5 to 7 who have allegedly encroached upon the road and constructed a building.

When this Writ Petition came up on 12.11.2015, this Court has questioned the learned counsel for the petitioner about the nature of business being carried on by the petitioner and also with reference to the photographs filed by the petitioner as to why the neighbouring building to the left of the objectionable building which has protruded at least 10 feet more into the road is not found objectionable to his client. For obtaining instructions on these counts, learned counsel has requested for adjourning the case.

Today, at the hearing, learned counsel for the petitioner submitted that he is unable to contact his client.

Mr. N.Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, has placed before the Court two photographs, one of which reveals that the building adjacent to the objectionable building is protruding much more towards the road than the objectionable building. Surprisingly, the petitioner has not found the said building objectionable.

These facts would clearly indicate that the present Writ Petition is filed with a *mala fide* intention, evidently, to settle some personal scores with respondent Nos.5 to 7.

As this Court is convinced that the petitioner has abused the process of Court and he lacks *bona fides*, I am not inclined to exercise the discretionary jurisdiction under Article-226 of the Constitution of India for issue of a *Mandamus* to the respondents. However, this order would not preclude the official respondents from initiating appropriate proceedings in respect of both the above-mentioned buildings, if they find that they were constructed by encroaching the public road.

Subject to the above observations, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.47255 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

13th November, 2015

DR