

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.25604 OF 2011

ORDER

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This writ petition is filed for a '*writ of mandamus*' declaring the action of the respondents 1 and 2 in not taking action against the 3rd respondent in spite of the complaint made by the petitioner on 29.05.2010 regarding unauthorised constructions made by the 3rd respondent.

Counter affidavit is filed by the respondents 1 and 2 stating that in pursuance to the complaint made by the petitioner, the corporation issued a letter dated 01.06.2010 to the 3rd respondent asking her to stop construction work and thereafter on noticing unauthorised constructions, issued notice under Section 452 of HMC Act on 02.06.2010. In response to the said notice, the 3rd respondent filed representation dated 10.06.2010 stating that she has filed O.S.No.2237 of 2010 on the file of IV Junior Civil Judge, City Civil Court, Hyderabad and obtained status quo orders on 09.06.2010 in I.A.No.503 of 2010. Taking advantage of the status-quo orders passed by the Civil Court, when the 3rd respondent proceeded with the unauthorised construction on the 8th floor, the Corporation issued required notices to 3rd respondent and demolished the said structures on 22.07.2010 and the slab laid was also removed with gas cutters, but only the walls are not removed due to the complaints from the neighbours and the lower flat owners. It is also stated that the file was circulated to the Engineering Section for technical opinion in respect of demolition of brick walls constructed on 8th floor of the said apartments. It is further stated that the corporation has not initiated any action on other repairs and renovation work under taken by the 3rd respondent in Flat No.7G, as it is in permissible limits.

Learned Standing counsel for the respondent-corporation

produced Engineering report where in it is stated that the walls existing on the 8th floor cannot be removed as it requires ut-most care to avoid danger for properties and lives.

Learned counsel for the petitioner submits that he has no instructions from his client.

In view of the submissions made by the learned Standing counsel and in view of the statements made in the counter, the grievance of the petitioner is redressed.

Accordingly, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 09.07.2015

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