

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

**THURSDAY, THE THIRD DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.28360 of 2015

Between:

Mohd. Azeem, S/o. Md. Yousuf,
Aged 50 years,
Occ: Business at Shop No.8-3-165/1/B/3,
Erragadda, Hyderabad,
R/o. SRT-223, Sanathnagar,
Hyderabad -18.

.. Petitioner

AND

The State of Telangana,
Rep. by its Pr. Secretary,
Municipal Administration and
Urban Development Department,
Secretariat Buildings,
Hyderabad & 4 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28360 of 2015

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ORDER:

This writ petition is filed questioning the action of the respondents 2 and 3 herein in not taking action with regard to the illegal and unauthorized construction made by respondents 4 and 5 in contravention of the sanctioned plan in respect of the premises bearing H.No.8-3-165/1/B/11/A and 8-3-165/1/B/13/B, situated at B.K. Guda, Erragadda, Hyderabad, in spite of the written complaint, dated 13.03.2015, followed by personal visits, as illegal and arbitrary and consequently to direct respondents 2 and 3 herein to forthwith demolish the illegal and unauthorized construction made by respondents 4 and 5 in the above said premises.

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

3. Petitioner claims to be inducted into possession as a tenant in respect of two mulgias bearing Nos.8-3-165/1/B/2 & 3, situated at B.K. Guda, Erragadda, Hyderabad, in the year 1982 by the father of respondents 4 and 5, who was the owner of the said premises. The petitioner is carrying the business of Gas Equipment Service and Lathe Machine work since 1982. Subsequent to the death of the original owner, respondents 4

and 5, who are his sons, used to collect the rents from the petitioner. The petitioner claims that Sri D. Vittalaiah was the owner of land to an extent of 400 square yards wherein two houses exist. The petitioner further claims that respondents 4 and 5 obtained permission from the 2nd respondent Municipal Corporation on 04.10.2013 for the construction of ground plus first floor residential building in the premises bearing Municipal Nos.8-3-165/1/B/11/A and 8-3-165/1/B/11/B, only in an extent of 207.86 square yards, but now they are undertaking the construction in the total extent of 400 square yards, without leaving any set backs and in deviation of the sanctioned plan. In order to proceed with the construction, respondents 4 and 5 illegally removed the sunshade existing behind the shops of the petitioner, which is part and parcel of the subject property and raised two pillars touching his shops and laid roof. The petitioner further claims that he has submitted a representation to respondents 2 and 3 on 13.03.2015 requesting them to take steps to demolish the illegal and unauthorized construction made by respondents 4 and 5 in deviation of the sanctioned plan without leaving proper set backs, but so far, no action is taken thereon and the same is pending.

4. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to respondents 2 and 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 respondents 2 and 3 to consider the complaint of the petitioner, dated 13.03.2015, and after affording reasonable

opportunity to respondents 4 and 5, pass appropriate orders, as warranted by law, within a period of six (6) weeks from the date of receipt of 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: 3rd September, 2015

Note: Issue C.C. by one (1) week.

(B/o.)
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.28360 of 2015

Date: 3rd September, 2015

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