

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 2681 OF 2015

-
ORDER :

-
This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in not taking any action in relation to the construction of the wall being undertaken by the 3rd respondent colony around the open area which forms part of the layout sanctioned by GHMC vide Layout No.71/1973 File No.15405/73/46, dated 07.11.1973, wherein the members of the petitioner association are living as illegal and arbitrary.

-
2. The case of the petitioner is that it is a registered welfare association of Parsigutta Municipal Colony residents. The 1st respondent had prepared a layout and sold the plots to the petitioner association after constructing the houses to the economically weaker section. The said layout was sanctioned vide Layout No.71/1973 vide File No.15405/73/46, dated 07.11.1973. In the said layout, an open area has been left which is a part of the layout on the North Western corner, which was shown for the purpose of utilization of welfare association of the petitioner colony. Now 3rd respondent has started construction of a compound wall around the said open area claiming the same belongs to them. On 07.02.2015, the 3rd respondent started making construction without any permission from the respondents 1 and 2. As per the housing scheme under which the layout was sanctioned and the allotments were made to the petitioner members, Clause-20(1), the cost price of the house includes the development of the external amenities such as road, open space, parks, playgrounds etc. The GHMC has collected the amounts also from the plot owners and the 3rd respondent has no right to claim the said property. The

petitioner made representation to the 2nd respondent dated 04.02.2015 complaining about the same, but no action has been taken so far and that the 3rd respondent is proceeding with the construction. Aggrieved by the same, the present writ petition is filed.

3. Heard learned counsel for the petitioner as well as learned Standing Counsel for the GHMC-1st and 2nd respondents.

4. Sri R.Radhakrishna Reddy, learned Standing Counsel for GHMC submits that in pursuance to the complaint given by the petitioners on 04.02.2015, the municipal authorities have inspected the site and they have stopped the construction of compound wall and a notice as also issued under Section 461 of the Hyderabad Municipal Corporation Act, 1955 to 3rd respondent vide proceedings dated 06.02.2015.

Recording the submission of the learned Standing Counsel for GHMC-respondents 1 and 2 and also in view of proceedings dated 06.02.2015 of the Assistant City Planner, Circle No.9, GHMC, this writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand dismissed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

23.02.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

-
-
-
-
-
-
-
-
-
-

KVS

