

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26738 OF 2011

ORDER

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This writ petition is filed for a *writ of mandamus* declaring the action of the respondent No.1 in not taking action against the respondent Nos.2 and 3 and preventing them from making unauthorized constructions contrary to the building plan approval dated 17.04.2008, as illegal and arbitrary and for a consequential direction to the 1st respondent to take immediate action to dismantle the 6th floor being constructed by the 3rd respondent contrary to the building plan approval.

Counter is filed by the 1st respondent stating that in pursuant to the complaint given by the petitioner, action has been initiated and notices were issued to respondents 2 and 3. Against the same, the respondents 2 and 3 obtained injunction in I.A.No.2447 of 2011 in O.S.No.481/2011, as such further action could not be taken. The same is not disputed by the learned counsel for the petitioner.

In the instant case, it is stated that the action has already been initiated by the 1st respondent in pursuance to the complaint made by the petitioner. Further, it is stated that civil suit is pending and that the petitioner himself impleaded in the said suit. In view of the same, the 1st respondent is directed to take appropriate action after disposal of the suit filed by the respondents 2 and 3 and the 1st respondent shall ensure that corporation defends its actions in the suit. Since the suit is of the year, 2011, the same shall be disposed of as expeditiously as possible within a period of six (6) months from the date of receipt of copy of this order and take action accordingly as per law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

REDDY,J

Date: 16.06.2015

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A.RAJASHEKER