

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

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**WRIT PETITION No.11262 of 2015**

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**ORDER:**

This writ petition is filed for issuance of a *Mandamus* declaring the inaction of respondents 1 and 2 in taking any action in respect of illegal and unlawful construction activity that is being carried on by respondent No.3 in the second floor in the property bearing H.No.1-11-201/1 and 1/A, comprising of ground and first floors only, situated on land admeasuring 41.66 Sq.yards, Bhagath Singh Nagar, Shamlal Building, Begumpet, Hyderabad, as illegal, arbitrary and violative of fundamental rights and consequently, to direct the respondents to demolish the said illegal construction.

The case of the petitioner is that he and respondent No.3 are residing in the ground and first floors, respectively in the subject building, which is constructed 40 years ago by the then Municipal Corporation of Hyderabad. As respondent No.3 is making constructions on second floor, the petitioner made complaints on 10.04.2015 and 15.04.2015 to respondent No.2 but no action has been taken. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner and Sri P.Krishna Reddy, learned Standing Counsel appearing for respondents 1 and 2.

Learned counsel for the petitioner submits that because of construction being made by respondent No.3, walls of ground floor are getting cracks and there is likelihood of collapse of entire building. In spite of making complaints about the same, respondents 1 and 2 have not taken any action. He also relied on the document, which is a copy of D-Form Patta.

On the other hand, learned Standing Counsel for respondents 1 and 2, submits that document No.1-copy of D-Form Patta, on which the petitioner is relying shows that the patta was granted to one G.Pentamma, S/o Shankaraiah and the petitioner is not the owner of the subject building, more so, the father of the petitioner is shown as S.Lingaiah and that as to how the said property devolved to him from the said G.Pentamma, as such the petitioner has no *locus standi* to maintain the writ petition.

A perusal of D-Form Patta shows that it was issued in the name of G.Pentamma, S/o Shankaraiah and the petitioner is not the owner of the subject building. In the affidavit filed in support of the writ petition nothing is stated as regards that aspect except filing some papers. Therefore, the petitioner has no *locus standi* to maintain the writ petition. I do not see any merits to entertain this writ petition.

Accordingly, this writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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**A.RAJASHEKER REDDY, J**

Date: 22-04-2015

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