

THE HON'BLE SRI JUSTICE P. NAVEEN RAO
WRIT PETITION No. 16088 of 2015

ORDER:

The petitioners claim that they are the owners of flats in Nirmala Villa bearing Municipal No.1-19-13 in plot No.3 of Survey No.273/1 of Venkatapuram, Alwal, Secunderabad. They allege that the 3rd respondent sold away the plot to a person by name Smt. Nirmala Devi who constructed the apartment therein. The 3rd respondent also purchased flat No.F1 in the apartment. While so, the 3rd respondent started construction of another floor over and above the second floor of the apartment without the consent of the other flat owners and without obtaining due permissions. Aggrieved by such an illegal action by the 3rd respondent, the petitioners submitted a representation on 19.05.2015 to the Deputy Commissioner, G.H.M.C., Circle-16, Alwal, Secunderabad (2nd respondent) on 19.05.2015 and another representation to the Commissioner, G.H.M.C., Hyderabad, on 28.05.2015. So far, they have not acted upon the representations. The petitioners also allege that earlier the 3rd respondent constructed one flat in the terrace area in the year 2009 and now he is proposing to construct another flat opposite to the said flat. Having noticed such an illegal construction, complaints were also filed, but no action was taken. Even now, no action is taken and the authorities are allowing the 3rd respondent to undertake the construction.

When the matter is taken up for hearing, the learned standing counsel for the respondents submits that since representations are submitted by the petitioners, the same will be considered and appropriate orders will be passed.

At this stage, learned counsel for the petitioners requests for fixation of time limit for consideration of the representations and for taking further action within the timeframe, if the illegal construction was made.

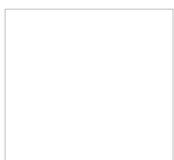
Having regard to the submission of the learned counsel for the petitioners, without going into the merits of the case, the 2nd respondent is directed to consider the representation submitted by the petitioners on 19.05.2015 within a period of three weeks from the date of receipt of a copy of the order. If the 2nd respondent finds illegalities in undertaking the construction by the 3rd respondent, he shall take further course of action as mandated by the G.H.M.C. Act, 1955 within the fixed timeframe after giving due opportunity to the 3rd respondent. It is made clear that by disposing of the writ petition at the admission stage, the rights of the individual parties are not decided.

Consequently, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

P. NAVEEN RAO, J

24th June, 2015

cbs



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W.P.No. 16088 of 2015

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