

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

**MONDAY, THE TWENTY FIRST 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.30604 of 2015

Between:

Khemdas Math,
Rep. by its Mathadhipati Sri Manu Swamy,
S/o. Sanwar Das Swamy,
Aged 46 years, R/o. H.No.14-9-582,
Chudi Bazaar, Begum Bazaar,
Hyderabad.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Department of Municipal Administration,
Secretariat, Hyderabad & 6 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner is the Khemdas Mutt. According to the petitioner, the lessees in the subject premises of the Mutt have made illegal constructions without obtaining due permissions in the absence of the in-charge of the petitioner Mutt and in spite of several requests made to remove the illegal constructions, they are not removed and in fact, the Mutt authorities are threatened with dire consequences. The tenants of the petitioner Mutt are drawing inspiration from the support of local leaders and the petitioner Mutt is helpless in removing those illegal constructions. Therefore, the petitioner Mutt has submitted representation to the various authorities on 04.09.2015, but no action is taken against them. Hence, this writ petition.

2. Learned counsel for the petitioner submits that admittedly illegal constructions are made by the tenants and in spite of the request made by the petitioner, the tenants are not removing the illegal constructions made and behaving very rudely. The respondent authorities ought to have initiated action against such illegal constructions, but they also became mute spectators.

3. On instructions, learned Standing Counsel

submits that the respondent authorities have inspected the subject premises and have not found any new constructions made and apparently those constructions already exist for a long time.

4. Admittedly, the petitioner Mutt claims to be the owner of the subject property and according to the petitioner, his tenants are behaving rudely and made illegal constructions without the consent of the Mutt authorities. If that is so, the petitioner Mutt is not helpless to take action against its tenants and remove the alleged illegal constructions made by them when such constructions were made without the consent of the petitioner Mutt. It is not a case where there is deliberate inaction of the respondent authorities acting on the representation of the petitioner in performing their statutory duties. When there is no inaction in performing statutory duties, deliberate or otherwise, by the respondent authorities, no direction as sought for can be granted. Instead of availing appropriate civil remedies, as available in law, petitioner invoked jurisdiction of this Court. It is always open to the petitioner to work out his remedies, if he is not satisfied in the manner in which the tenants are conducting their activities in the subject premises of the petitioner Mutt.

5. Thus, leaving it open to the petitioner to work out his remedies as available in law, the Writ Petition is dismissed. 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: 21st September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 21st September, 2015

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