

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.41492 of 2015

-
22.12.2015

Between:

Mohammed Sameem Ahmed and another

.. Petitioners

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Syed Naimullah

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent No.2: Assistant Government Pleader for Revenue
(TS)

Counsel for respondent Nos.3 and 4: --

Counsel for respondent No.5: --

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The Court made the following:

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ORDER:

This writ petition is filed questioning the inaction of respondent Nos.3 and 4 in preventing respondent No.5 from proceeding with further construction despite issue of notice, dated 22.05.2014, to the latter.

For disposal of this case, detailed facts need not be recorded, for on the petitioners' own showing, all conceivable notices were issued to respondent No.5 for demolition of his unauthorized structures and that the structures raised by the petitioners were also demolished. The petitioners also averred that respondent No.5 filed O.S.No.2048 of 2014 in the Court of VI Junior Civil Judge, City Civil Court, Hyderabad, and secured an *interim* order of *status quo* in I.A.No.709 of 2014 filed therein. The petitioners accused respondent Nos.3 and 4 of not stopping respondent No.5 from raising further construction in view of the aforesaid order of *status quo*.

In my opinion, when a Court of competent jurisdiction has entertained a dispute relating to the nature of the construction raised by respondent No.5 and an *interim* order has been passed, it is appropriate for respondent Nos.3 and 4 to interpret such *interim* order in their own way and stop respondent No.5 from making further construction. The petitioners have not shown any reason, as to why they have not got themselves impleaded in the pending suit and sought vacation of the *interim* order. Instead of availing such a remedy, which in the facts and circumstances of the case is appropriate, the petitioners have needlessly filed this writ petition.

Hence, this writ petition is dismissed, however, with liberty to the petitioners to avail the remedy as observed hereinbefore.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.53572 of 2015 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

22nd December, 2015
GHN