

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

**WEDNESDAY, THE FOURTEENTH DAY OF OCTOBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.34110 of 2015

Between:

Eden House Apartments Flat Owners Association,
Rep. by its Administrator Shri B. Sai Chander,
S/o. B. Kishore Kumar, Aged about 35 years,
Office at 3-5-121/A, situated at Eden House,
Ramkote, Hyderabad.

.. Petitioner

AND

Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner, Tank Bund Road,
Hyderabad & 4 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This writ petition is filed questioning the action of respondents 1 to 3 in not considering the representation of the petitioner, dated 11.08.2015, by not removing the illegal and unauthorized construction consisting of one room, enclosed wall in the common passage in premises bearing Door No.3-5-121/A, Ramkote, Hyderabad, as illegal and arbitrary.

2. Heard the learned counsel for petitioner and learned Standing Counsel for respondents 1 to 3 and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. Petitioner is an association managing the affairs of Eden House Apartment Flat Owners in Premises No.3-5-121/A, situated at Eden House, Ramkote, Hyderabad. The petitioner submits that originally the 5th respondent purchased the piece of land admeasuring 2702 square yards from the 4th respondent in the year 1970 and thereafter obtained permission from the respondent Municipal Corporation for construction of residential-cum-commercial complex on the

land in the year 1984. As per the sanctioned plan, the construction was made leaving open space on all the four sides before the completion of the commercial complex. The 5th respondent has provided necessary water connections and drainage connection to the occupants of the apartment. The petitioner further submits that flats were sold to different flat owners and they also purchased undivided share in the property. The petitioner further submits that the property which the 4th respondent is claiming is common area around the complex. The petitioner submits that the 4th respondent has enclosed the common areas by erecting a gate and wall with small room illegally and unauthorizedly. The petitioner submitted a representation to respondents 1 to 3 on 11.08.2015, but so far, no action is taken thereon and the same is pending.

4. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to respondents 1 to 3 to expeditiously dispose of the complaint of the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing respondents 1 to 3 to consider the complaint of the petitioner, dated 11.08.2015, and after affording reasonable opportunity to respondents 4 and 5, pass appropriate orders, as warranted by law, within a period of six (6) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner and respondents 4 and 5. 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: 14th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34110 of 2015

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Date: 14th October, 2015

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