

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

WRIT PETITION No.41536 of 2015

-
22.12.2015

Between:

Gampa Sudhakar

.. Petitioner

and

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

.. Respondents

Counsel for the petitioner: Mr.D.Bhaskar Reddy

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

Counsel for respondent No.2: --

Counsel for respondent No.3: --

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The Court made the following:

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ORDER:

This writ petition is filed feeling aggrieved by the inaction of respondent No.2 in removing the alleged illegal construction raised by respondent No.3 in spite of notice in UC No.G1/354/TPS/MCK/2014, dated 10.12.2014, issued by it under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

At the hearing, Mr.V.Satyam Reddy, learned standing counsel for the Karimnagar Municipal Corporation - respondent No.2, on instructions, submitted that on receipt of the aforesaid notice, respondent No.3 has filed O.S.No.262 of 2014 in the Court of the Principal Junior Civil Judge, Karimnagar, and in I.A.No.1807 of 2014 filed therein, he has secured an *interim* order of *status quo*. The learned standing counsel is, however, unable to state whether a counter-affidavit has been filed in the suit or not.

Be that as it may, in my opinion, when the notice issued by respondent No.2 for removal of the alleged illegal structure is the subject matter of a civil suit and an order of *status quo* has been granted by the competent civil Court, no *mandamus* can be issued to the said respondent to act contrary to the said order.

In the above view of the matter, the Writ Petition is dismissed, however, with liberty to the petitioner to get himself impleaded in the aforesaid suit and seek redressal of his grievance therein.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.53630 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

22nd December, 2015
GHN

