

**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.34072 of 2015

Between:

Syeda Aliya Hussain,
W/o. Syed Mujtaba Hussain,
Age: 59 years, Occ: House wife,
R/o. H.No.22-2-221, Komatwadi,
Hyderabad.

.. Petitioner

AND

The State of Telangana,
Rep. by its Prl. Secretary to
The Municipal Administration,
Secretariat Buildings, Hyderabad & 4 others
.. Respondents

The Court made the following:

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ORDER:

This writ petition is filed questioning the action of respondents 2 to 4 in not taking any action against the illegal construction made by the 5th respondent in premises No.22-2-204/1, situated at Komatwadi, Hyderabad, even though representations and remainders, dated 20.03.2015, 04.04.2015 and 13.07.2015, are submitted by the petitioner and even though notice was issued under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), on 24.04.2015, is arbitrary and illegal and consequently to direct respondents 2 to 4 to take necessary action against the illegal construction made by the 5th respondent in the subject premises and remove the same basing on the notice issued on 24.04.2015.

2. Heard the learned counsel for petitioner and learned Standing Counsel for respondents 2 to 4 and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. Petitioner claims to be the owner and possessor of premises bearing No.22-2-221, situated at Komatwadi, Hyderabad. The 5th respondent is the neighbour of the petitioner and owner of the premises No.22-2-204/1, Komatwadi, Hyderabad. It is alleged that the 5th respondent started illegal construction of ground floor plus two upper floors without leaving any setbacks; encroaching the road margin; and without taking any permission from the respondent Municipal authorities. The petitioner submitted representations on 20.03.2015 and 04.04.2015 against such illegal construction. The respondent authorities enquired into the matter and having found that the 5th respondent is proceeding with such illegal construction issued notice under Sections 452(1) and 461(1) of the Act on 24.04.2015 calling upon the 5th respondent to submit his explanation. The petitioner submits that even though the said notice was issued to the 5th respondent, but so far no action is taken against the 5th respondent for removing the illegal construction. Hence, this writ petition.

4. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to respondents 2 to 4 to take action basing on the notice issued to the 5th respondent on 24.04.2015.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing respondents 2 to 4 to consider the representations of the petitioner, dated 20.03.2015 and 04.04.2015 and reminder, date 13.07.2015, basing on the notice issued to the 5th respondent on 24.04.2015, and after affording reasonable opportunity to the 5th respondent, 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 5th respondent. It is made clear that all the defences available to 5th respondent are preserved. 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.34072 of 2015

Date: 14th October, 2015

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