

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

WRIT PETITION No.19965 of 2015

Between:

Smt. V. Nirmala, W/o. V.A. Ramaraju,
Aged 55 years, Occ: Housewife,
R/o.64B, First Floor,
Vengal Rao Nagar, Hyderabad.

.. Petitioner

AND

The Commissioner,
Hyderabad Municipal Corporation,
Hyderabad & 4 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 10.08.2015

SUBMITTED FOR APPROVAL:

THE HON’BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19965 of 2015

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ORDER:

The petitioner is a resident of house bearing No.8-3-191/20/(2B). The petitioner alleges that his neighbour, who is arrayed as 5th respondent obtained building permission for construction of multi-storeyed building in premises bearing Municipal No.8-3-191/21/(3B). Alleging that the 5th respondent is undertaking illegal construction in violation of the permission granted, the petitioner claims to have submitted complaint on 24.02.2015 to the respondent authorities and sought for demolition of the illegal constructions made. Alleging that in spite of the complaint given to the respondent authorities, no action is taken, this writ petition is filed.

2. When the matter is taken up, learned Standing Counsel, on instructions, submits that the 5th respondent instituted O.S.No.1169 of 2015. The 5th respondent has also filed I.A.No.376 of 2015 praying for grant of interim injunction and the Court passed order of *status quo*. Learned Standing Counsel submits that it appears that under the guise of the order of *status quo*, the 5th respondent laid extra floors after an order of *status quo* is granted. In view of the same, the prayer sought by the petitioner cannot be granted.

3. Having regard to the fact that the matter is seized

by competent Court and an order of *status quo* is granted by the Court, no relief as sought by the petitioner can be granted at this stage. If the stand of the respondent Municipal Corporation that even after the *status quo* order was granted, extra floors were laid, the respondent Municipal Corporation ought to have taken steps to stop the illegal construction made. Since the suit is pending, the respondent Corporation shall take immediate steps to bring to the notice of the competent Court that under the guise of *status quo* orders, the 5th respondent has also made illegal construction after the order of *status quo*. Since the suit is pending, it is open to the petitioner to implead as defendant to the said suit and prosecute the matter, if he is so advised. Granting such liberty, the Writ Petition is disposed of. 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: 10th August, 2015

Note: Issue C.C. in two (2) days.

(B/o.)
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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