

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14384 of 2015

DATED : 03.09.2015

Between :

P. Anjaiah, S/o.Late P.Venkaiah,
Aged 61 yrs, Occu : Agriculture,
R/o.H.No.16-58 & 16-59, College Road,
Gandhi Nagar, Farooqnagar Mandal,
Shadnagar-509216, Mahabubnagar District.

.. Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat Building, Hyderabad & others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner alleges that the neighbour of petitioner i.e., 3rd respondent herein, encroached into the property of the petitioner and undertook the work of demolition of the compound wall and was undertaking construction of building without obtaining due permission from the Municipality. Alleging that such construction is illegal and in violation of the provisions of the Municipalities Act, the petitioner submitted a representation on 04.05.2015 to the 2nd respondent. Since no action is taken on the said representation, this writ petition is filed.

2. This Court granted interim direction on 21.05.2015 as sought for, by the petitioner. Praying to vacate the said interim order, the 3rd respondent filed W.V.M.P.No.2412 of 2015.

3. When the matter is taken up for consideration, learned counsel for the 3rd respondent fairly submits that infact construction was made without obtaining prior permission and having realized, the 3rd respondent has applied for grant of building permission on 20.05.2015. On processing the said documents, he was asked to produce some other documents and accordingly they were produced and now the application is pending

consideration with the 3rd respondent and he could not get the building permission due to pendency of the writ petition.

4. Having regard to the fact that building permission application is submitted by the 3rd respondent only on 20.05.2015, and as the building permission is not granted, the stand of the petitioner that illegal constructions are taken up by the 3rd respondent stood admitted.

5. Having regard to the same, the writ petition is allowed. However, this order do not come in the way of 3rd respondent in pursuing the application for grant of building permission and undertaking construction of building only after permission is granted to him. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

3rd September, 2015.
Rds

P.NAVEEN RAO,J