

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26106 of 2015

DATED : 27.08.2015

Between :

Shankara Kranthi Residents Welfare Association
(Reg.No.700/2006) 1-3-1040 & 1-3-1041,
Kavadiguda, Hyderabad, rep., by its Secretary,
C.Nagabhushanam, S/o.Late Paravaiah,
Aged about 55 yrs, Occu : Business, R/o.Flat No.203,
Shankara Kranthi Apartment, Kavadiguda,
Hyderabad.

.. Petitioner

and

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

.. Respondents

This court made the following :

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ORDER :

According to the petitioner-Association the 4th respondent entered into development agreement dated 18.01.1995 with 5th respondent and constructed residential complex consisting of stilt and five upper floors. After obtaining building permission on 08.10.1998, 25 flats were constructed and sold to different individuals. All the flat owners have formed into an Association.

2. The case of the petitioner-Association is that after selling the flats as per the permission granted, the respondents 4 and 5 started illegal construction over and above the 5th floor without obtaining permission from the Greater Hyderabad Municipal Corporation and on repeated complaints made by the petitioner-Association, the respondent-Corporation issued notice under Section 452 (1) & 452 (2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the GHMC Act') and on 14.03.2014 notice under Section 636 of the GHMC Act

was issued. However, no further action was taken by the respondent-Corporation. Having vexed with the attitude of the Corporation, this writ petition is instituted.

3. Earlier when the matter was taken up, it was adjourned for obtaining instructions by the learned standing counsel, as to why no further action was taken by the Corporation. Today the learned Standing Counsel produced orders passed by VI Junior Civil Judge, City Civil Court, Hyderabad, on 26.03.2014 in I.A.No.134 of 2014 in O.S.No.433 of 2014, granting temporary injunction restraining the respondent-Corporation and its officials etc., from either demolishing or otherwise interfering with the suit schedule property in any manner, whatsoever, till the disposal of the main suit. Learned Standing counsel therefore, submits that no further action was taken by the respondent-Corporation in view of the injunction order granted by the civil Court and pendency of the suit.

4. Having regard to the said contention of the learned Standing counsel, it cannot be said that the GHMC is negligent in taking further action against the respondents 4 and 5 and the Writ Petition is accordingly dismissed leaving it open to the petitioner to work out his remedies. It is always open to the petitioner to agitate all the contentions raised, in the pending suit and prosecute the matter. There shall be no order as to costs.

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

27th August, 2015.
Rds

P.NAVEEN RAO,J