

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41876 of 2015

ORDER:

This writ petition is filed under Section 226 of the Constitution of India, seeking the following relief/s:

“... to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the inaction of Respondent 1 and 2 in taking steps against the illegal constructions being made by Respondents 3 to 6 in the petitioner's land admeasuring Ac.15.00 gts. in Sy.Nos.81/A, 81/B, 81/C, 101/1-A, 101/1-B, 101/1-C, 102, 108/A1, 108/B, 108/C, 109/A, 109/B, 109/C, 110/A, 110/B, 110/C, 111/A, 111/B, 111/C, 112/A, 112/B, 112/C situated at Moosapet Village, Balanagar Mandal, Ranga Reddy District, State of Telangana as illegal, unjust, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India and contrary to the provisions of Greater Hyderabad Municipal Corporation Act, 1955 and consequentially direct Respondents 1 and 2 not to permit any constructions in the petitioner's land except in accordance with law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the learned senior counsel for the writ petitioner and the learned Standing Counsel appearing for the 2nd respondent/Greater Hyderabad Municipal Corporation (GHMC) and perused the material record.

3. The grievance of the writ petitioner is that respondents 3 to 6 are making constructions in the subject property viz., land admeasuring Ac.15.00 guntas in Sy.Nos.81/A, 81/B, 81/C, 101/1-A, 101/1-B, 101/1-C, 102, 108/A1, 108/B, 108/C, 109/A, 109/B, 109/C, 110/A, 110/B, 110/C, 111/A, 111/B, 111/C, 112/A, 112/B, 112/C situate at Moosapet village and that the said constructions are being made illegally and high handedly without obtaining permission or approval from the 2nd respondent and that the action of the respondents 1 and 2 in allowing the respondents 3 to 6 to proceed with the said constructions is illegal, unjust, arbitrary and violative of the Articles 14, 21 and 300-A of the Constitution of India and also contrary to the provisions of Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the GHMC

Act').

4. The learned Standing Counsel for the GHMC fairly submits that the 2nd respondent is prepared to proceed in the matter in strict accordance with the procedure established by law and that the GHMC will not allow the respondents 3 to 6 to make any constructions without having permission/approval as required under law. He would further submit that if the writ petition is disposed of with appropriate directions, the same would sub serve the ends of justice.

5. The learned senior counsel for the writ petitioner would submit that if the writ petition is disposed of accordingly and as sought for, the ends of justice would be met.

6. Accordingly, this writ petition is disposed of directing the 2nd respondent to proceed against the constructions that are being made in the subject property by the respondents 3 to 6 in strict accordance with the procedure established by law and not allow the said respondents to make any constructions in the subject property without permission or approval in accordance with the provisions of the GHMC Act and the law governing such constructions/proposed constructions. It is made clear that the 2nd respondent shall initiate action in the matter as expeditiously as possible in accordance with the procedure established by law and at any rate not later than two (02) weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

23rd December 2015

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