

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40067 of 2015

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15.12.2015

Between:

Mohammed Abdul Wahab

.. Petitioner

and

The Greater Hyderabad Municipal Corporation (GHMC),
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Chidambaram

Counsel for respondent Nos.1 to 3: Mr.Chatla Madhu, standing counsel for
GHMC

Counsel for respondent Nos.4 and 5: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the inaction of respondent Nos.1 to 3 in restraining respondent Nos.4 and 5 from proceeding with the construction of a building over and above ground plus one floor at D.No.2-4-53 to 60, Nallagutta, Ramgopalpet, Secunderabad, as illegal and arbitrary.

At the hearing, Mr.Chatla Madhu, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent Nos.1 to 3, placed before the Court, copies of separate orders, dated 07.11.2014, in I.A.No.786 of 2014 in O.S.No.507 of 2014 and in I.A.No.785 of 2014 in O.S.No.506 of 2014 respectively on the file of learned I Junior Civil Judge, City Civil Court, Secunderabad, wherein the learned Judge has passed interim orders of *status quo* regarding the subject property being the suit schedule properties in the aforesaid suits filed by respondent Nos.4 and 5 respectively restraining the Corporation and its functionaries from demolishing or otherwise interfering with the same in any manner. This Court is least surprised with these orders, because such orders are being passed through a pattern by the Civil Courts, whenever the Corporation issues notices for demolition. The learned standing counsel further submitted that counter-affidavits/written statements are filed before the lower Court and the Corporation is contesting the aforesaid I.As./suits.

In the light of the above facts, though it is distressing that respondent Nos.4 and 5 have constructed a building by raising additional floors having taken permission only for ground plus one floor, as the competent Court of civil jurisdiction has passed *status quo* orders, no *mandamus* can be issued to the Corporation to demolish the illegal construction, so long as the *status quo* orders remain in force. For the present, the only remedy for the petitioner is to get

himself impleaded in the pending suits and seek vacation of the *status quo* orders. This Court hopes and wishes that as and when such applications are moved, learned I Junior Civil Judge, City Civil Court, Secunderabad, will act with reasonable dispatch and dispose of them, as expeditiously as possible, in accordance with law.

Subject to the above observations, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.51723 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

15th December, 2015
GHN