

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

WRIT PETITION No.40062 of 2015

-
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.2-4-533, 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, a copy of order, dated 27.04.2015, in I.A.No.323 of 2015 in O.S.No.61 of 2015 on the file of learned XXVII Additional Chief Judge, City Civil Court, Secunderabad, wherein the learned Judge has granted interim stay/injunction restraining the Corporation and its functionaries from demolishing or otherwise interfering with the subject property in any manner. This Court is least surprised with this order, 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-affidavit and written statement are filed before the lower Court and the Corporation is contesting the aforesaid I.A./suit.

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 granted stay/injunction, no *mandamus* can be issued to the Corporation to demolish the illegal construction, so long as the stay/injunction order remains in force. For the present, the only remedy for the petitioner is to get himself impleaded in the pending suit and seek vacation of the stay/injunction order. This Court hopes and wishes that as and when

such application is moved, learned XXVII Additional Chief Judge, City Civil Court, Secunderabad, will act with reasonable dispatch and dispose of the same, 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.51718 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

15th December, 2015

GHN