

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27227 of 2015

Between:

Syed Gouse, S/o. Syed Abdul Wahed,
Aged 35 years, Occ: Business,
R/o. H.No.5-10-16/3, Budhwarpet,
Nirmal Dist., Adilabad.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This writ petition is filed questioning the action of the 2nd respondent in not taking effective measures against the 3rd respondent herein who is re-constructing a house on premises bearing H.No.5-10-16/2B, Budhwarpet, Nirmal of Adilabad District, in deviation to the sanction plan i.e., without leaving setback towards South facing and by encroaching the Municipal Road, despite the representation given by the petitioner on 30.06.2015 as arbitrary and illegal.

2. Heard the learned counsel for petitioner and learned Standing Counsel for the 2nd respondent Municipality and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. Petitioner claims to be the resident of H.No.5-10-16/3, situated at Budhwarpet, Nirmal, Adilabad District. The petitioner claims that the 3rd respondent obtained a re-construction permission of a residential house ground plus first floor on H.No.5-10-16/2B, situated at Budhwarpet, Nirmal, Adilabad District, from the 2nd respondent on 21.11.2012. Accordingly, the 3rd respondent started construction in June, 2015, in deviation to the sanctioned plan i.e., without leaving setback towards south facing by

encroaching the Municipal Road. Since the petitioner's house is situated opposite to the house of the 3rd respondent, the petitioner submitted a representation on 30.06.2015 to the 2nd respondent Municipality to take necessary action and stop the illegal construction of the 3rd respondent, but so far, no action is taken thereon and the same is pending.

4. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to the 2nd respondent Municipality to expeditiously dispose of the complaint of the petitioner.

5. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the 2nd respondent Municipality to consider the complaint of the petitioner, dated 30.06.2015, after affording reasonable opportunity to the 3rd respondent, pass appropriate orders, as warranted by law, within a period of six (6) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 26th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 26th August, 2015

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