THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31272 OF 2011

ORDER:

This petition is filed for a writ of *Mandamus* declaring the inaction of the respondents 1 and 2 in stopping the unauthorized construction made by the respondents 3 to 6 without any permit and sanctioned plan, as illegal and arbitrary.

The case of the petitioner is that he is the owner and possessor of the property bearing No.8-2-120/76/2&3 on Plot No.2 & 3 in Survey No.129/92 old and Survey No.403/25/2 new, admeasuring 444 sq.ys., situated at Shaikpet, Banjara Hills, Hyderabad. Since the 3rd respondent is interfering with the peaceful possession and enjoyment of the petitioner over the property, he filed OS.No.2030 of 2007 on the file of IV Senior Civil Judge, City Civil Court, Hyderabad, and the same was decreed on 22.04.2008. Subsequently, the 3rd respondent filed set aside petition and the same is pending and *Status Quo* order is subsisting. While so, the respondents 3 to 6 commenced illegal construction over the said property without obtaining any permission and contrary to the rules. Against the same, petitioner made complaint before the 1st respondent on 1/11/2011, but no action is being taken. Aggrieved by the same, present writ petition is filed.

The official respondents filed counter affidavit stating that on receipt of the petitioner's complaint, the 1st respondent has inspected the site in question and observed that there is no unauthorized construction at property bearing No.8-2-120/76/2&2, situated at Road No.2, Banjara Hills, and the averments made by the petitioner are false and baseless. It is also stated that these respondents are no way concerned with the suit filed by the petitioner, and it has to be decided in appropriate forum for better redressal. It is further stated that the respondents 3 to 6 have not commenced any type of illegal construction over the subject property and that when there is no illegal

construction the question of stopping the work does not arise.

The respondents 4 to 6 filed counter affidavit disputing the averments made in the writ affidavit.

Heard learned counsel for the petitioner and Sri P.Kesava Rao, learned standing counsel for respondents 1 and 2.

Since it is stated by the official respondents that in pursuance of the complaint made by the petitioner the 1st respondent inspected the subject site and found no unauthorized construction over the subject property as alleged by the petitioner, the grievance of the petitioner stands redressed. Further, the petitioner also did not choose to file any reply to the counters filed by the respondents. In view of the same, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

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A.RAJASHEKER REDDY, J

16.06.2015

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