

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

-
Writ Appeal No.1070 of 2015
And
Writ Petition No. 29606 of 2015

Date:15.12.2015

Writ Appeal No. 1070 of 2015

Between:

M/s. Lumbini Magestic Welfare Association,
Hyderabad.

Appellant

And

S. Uma Devi,
Hyderabad and others.

... Respondents

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PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

The writ appeal is directed against the order dated 4.11.2015 passed in W.P.M.P. No.38371 of 2015 in Writ Petition No. 29606 of 2015, whereby, the prayer of respondent Nos. 1 to 3, for interim relief has been granted. By the impugned order, the order dated 4.9.2015 passed by the 5th respondent has been suspended. By that order, the Commissioner kept the building permit dated 29.5.2013, issued in favour of respondent Nos. 1 to 3 in abeyance in exercise of the powers under Section 454 of the Greater Hyderabad Municipal Corporation Act, 1955 and directed them not to proceed with any type of construction activity over the property in dispute.

We are informed that the appellant has already filed a Civil Suit, O.S. No. 576 of 2013, and has obtained interim order of injunction restraining respondent Nos. 1 to 3 from raising any construction over the property in dispute. This order, according to learned counsel appearing

for respondent Nos. 1 to 3, is challenged in a Miscellaneous appeal, being, C.M.A.(SR) No. 43644 of 2015, and the appeal is pending at S.R. stage in this Court.

In this view of the matter, when we made certain suggestions, learned counsel for the parties have agreed for the order that we propose to pass. Hence, we dispose of the writ appeal as well as Writ Petition No. 29606 of 2015 by the following order.

“1.Respondent Nos. 1 to 3 shall not raise any construction unless the interim order passed by the Civil Court in O.S. No.576 of 2013 is either stayed or set aside by this Court in the appeal filed by them.

2. The 5th respondent shall consider and decide the issue taking note of the application/objections raised by respondent Nos. 1 to 3 as well as the appellant, on merits in accordance with law, as expeditiously as possible and preferably within twelve weeks from the date of receipt of this order. It is needless to mention that the Commissioner shall decide the application/objections on merits and uninfluenced by the order passed by the learned Single Judge dated 4.11.2015. It is open to respondent Nos. 1 to 3 to file their explanation/reply to the objections raised by the appellant before the Commissioner within two weeks from today. It is also open to both the parties to place the material they want to rely upon in support of their case before the Commissioner. All

contentions on merits are kept open. While disposing of this writ appeal we shall not be understood to have expressed any opinion on merits of the case.”

With these observations, the writ appeal as well as writ petition are disposed of.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

15th December, 2015

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