

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION Nos.38255 and 38303 of 2015

Date:25.11.2015

Between:

M/s Haleema Begum,

W/o Mohd. Siddique

..... Petitioner

And:

The State of Telangana, repled., by its

Principal Secretary, Municipal Administration

and Urban Development,

Hyderabad and three others.

.....Respondents

Counsel for the Petitioner: Mr. Daraboina Subramanyam

Counsel for Respondent No.1: GP for Municipal Admn. (TS)

The Court made the following:

COMMON ORDER:

These two Writ Petitions have been filed by one of the parties to a civil litigation feeling aggrieved by the purported grant of illegal water connection by the Hyderabad Metro Water Works and Sewerage Board (for short 'HMWWSB') to the illegal constructions raised by respondent Nos.3 and 4, vide H.No.8-2-603/B/23, admeasuring 210 square yards, at Road No.10, Banjara Hills, Hyderabad.

From the pleadings raised by the petitioner, it is evident that O.S.No.1529 of 2003 filed by respondent Nos.3 and 4 for specific performance of agreement of sale against the petitioner was dismissed by the Court of the learned IV Senior Civil Judge, City Civil Court, Hyderabad and the said judgment was confirmed in A.S.No.191 of 2009 by the learned III Additional Chief Judge, City Civil Court, Hyderabad, on 02.8.2010. The petitioner pleaded that a Second Appeal filed against the said judgment is pending before this Court and that no interim order is granted therein.

The tenor of the representations made by the petitioner to the official respondents and the averments in the affidavit, filed in support of the Writ Petition, would show that she is questioning the propriety of the official respondents in allowing respondent Nos.3 and 4 to construct a building in the property in question and also enjoy the amenities like water supply.

To a question put by this Court, Mr. Daraboina Subramanyam, learned counsel for the petitioner, has candidly replied that his client has not raised the plea that respondent Nos.3 and 4 have constructed the building without the sanctioned plan.

The Greater Hyderabad Municipal Corporation (for short 'GHMC') as well as the HMWWSB are mainly concerned as to whether a building is constructed in pursuance of the sanctioned plan or not. As there was no allegation by the petitioner that respondent Nos.3 and 4 have constructed the building without the sanctioned plan or in deviation of the same, non-interference by the officials of the GHMC and the HMWWSB cannot be termed as inaction in law.

If the petitioner asserts her ownership over the property in question, she is entitled to avail appropriate legal remedies before

the competent forum and obtain relief against respondent Nos.3 and 4 *qua* the property in question.

Subject to the liberty given to the petitioner as above, the Writ Petitions are dismissed.

As a sequel to dismissal of the Writ Petitions, W.P.M.P.Nos.49233 and 49307 of 2015 are dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

25th November, 2015

DR