

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12577 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the respondents in sealing the premises, without issuing any notice as illegal and arbitrary and consequently to direct the respondents to take out the seal and allow the boys to take out their belongings from the premises bearing No.15-26-79 (Plot No.79), Road No.2, KPHB Colony, Phase-I, Kukatpally, Hyderabad.

It is the case of the petitioner that he is the owner of premises bearing No.15-26-79 (LIGH 79), Road No.29, KPHB Colony Phase-I, Kukatpally, Hyderabad having purchased the same from Sri Jagadish in the year 2003 under a registered sale deed document No.709/2003. The petitioner is using the said premises for residential purpose. He has leased out the same in September, 2010 to one Smt. Bhavani for running a boys hostel under the name and style of M/s.Srinivasa Boys Hostel, after obtaining permission from GHMC and later it was changed as Laxmi Boys Hostel by entering into lease agreement in the name of one Smt. V.Laxmi and the rent amount is being paid either by Bhavani or Laxmi. One Smt. T.Rama Devi lodged a complaint against the said hostel and action was sought to be taken. Several writ petitions were filed and ultimately, when all the inmates of the hostel have vacated, the municipal authorities have sealed the said premises. The petitioner has not made as

party in the earlier writ petitions being filed by the lessees. The petitioner has now filed a representation dated 10.04.2015 to the 3rd respondent to remove the seals but so far no action is being taken by the 3rd respondent. Aggrieved by the same, the present writ petition is filed.

Heard Smt. Sesha Rajyam, learned Senior Counsel appearing for Smt. Deepika Gadde, learned counsel for the petitioner as well as Sri Sampath Prabhakar Reddy, learned Standing Counsel for 2nd respondent Corporation.

Learned Senior Counsel for the petitioner submits that the petitioner has cancelled the lease deed in favour of D.Laxmi and already submitted an undertaking stating that he will not use the said premises for non residential purposes. But no action is being taken for releasing the said property.

On the other hand Sri Sampath Prabhakar Reddy, learned Standing Counsel submits that the petitioner is using the subject premises for non-residential purposes and same is causing nuisance to the neighbours and on the basis of the complaint given by one T.Rama Devi, action has been initiated basing on the directions of this Court in earlier writ petitions being filed by the tenants of the petitioner.

Since the petitioner has already submitted representation to the 3rd respondent for release of the premises and the petitioner has given an undertaking that he will not use the same for non-residential purpose, the 3rd respondent shall consider the representation of the petitioner and seek necessary undertakings from the petitioner, and

after satisfying with the same, the 3rd respondent may pass appropriate orders on the representation of the petitioner in accordance with law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.04.2015

kvs

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Date: 27.04.2015

kvs