

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

-

W.A.No.700 OF 2015

Between:

S.Krishna

....Appellant

A n d

The Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner,
MCH Building, Tank Bund Road, Lower Tank Bund,
Hyderabad and others

....Respondents

DATE OF JUDGMENT PRONOUNCED: 21.07.2015

SUBMITTED FOR APPROVAL:

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

- | | | |
|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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

W.A.No.700 OF 2015

PC: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.Mohammed Imran Khan, learned counsel for the appellant and Mr.P.Krishna Reddy, learned Standing Counsel for GHMC.

Writ petitioner is the appellant. In W.P.No.11262 of 2015, the appellant prayed for Mandamus declaring the inaction of respondent Nos.1 and 2 in taking action in respect of the illegal and unlawful construction activity undertaken by respondent No.3 in the property covered by H.No.1-11-201/1 and 1/A covering an extent of 41.66 sq.yards at Bhagath Singh Nagar, Shamlal Buildings, Begumpet, Hyderabad, as illegal and violative of not conforming to the statutory requirements.

The relevant facts necessary for disposal of the writ appeal are stated thus:

The appellant claims to be resident of H.No.1-11-201/1, Bhagath Singh Nagar, Shamlal Buildings, Begumpet, Hyderabad. Respondent No.3 in the appeal, according to the appellant, is undertaking unauthorized and illegal constructions at H.No.1-11-201/1 and 1/A (for short 'the plot'). The appellant apprehends that the illegal and unauthorized construction activity undertaken by the 3rd respondent if carried out or completed, the neighbouring property of appellant and the lives of inmates therein are in great danger. The 3rd respondent is undertaking huge construction on the small plot. On 10.04.2015 and 15.04.2015, the appellant has represented to the respondents herein for necessary action against the illegal construction. In spite of intimation of unauthorized and illegal construction activity, respondents 1 and 2 have not conducted inspection of the plot or taken any action within the four corners of law against the illegal construction activity carried out by the 3rd respondent. Hence, the writ petition.

Through order dated 22.04.2015, the learned Single Judge has

dismissed the writ petition. Hence, the appeal.

We have taken note of the submissions of the learned counsel for the appellant and perused the material available on record. We are not expressing any view on the findings recorded in the order under appeal. We are satisfied that having regard to the writ prayer viz., inaction of respondents 1 and 2 in disposing of the representations dated 10.04.2015 and 15.04.2015, to meet the ends of justice and to prevent illegal construction activity, if any, the writ appeal is disposed of with the following directions.

“The 1st and 2nd respondents are directed to consider the grievance pointed out by the appellant in representations 10.04.2015 and 15.04.2015, undertake physical verification of the ongoing activity at the plot to ascertain the ground reality. In the enquiry, if it transpires that illegal construction is undertaken by the 3rd respondent, the 1st and 2nd respondents are directed to initiate action within the four corners of law against such illegal construction, afford opportunity to 3rd respondent and pass final orders. The said exercise shall be carried out as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order”.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J

Date: 21.07.2015

Lrkm