

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.36065 OF 2015

DATED:10-12-2015

Between:

Smt. Pavitra Gopisetty ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Municipal Administration Department
Secretariat
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. V.V. Raghavan

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal Administration

(TS)

COUNSEL FOR RESPONDENT NO.2: Mr. N. Rishi Kumar,
for Mr. N. Ashok Kumar, Standing
Counsel for G.H.M.C.

COUNSEL FOR RESPONDENT NO.3: Mr. Y. Rama Rao, Standing Counsel
for H.M.D.A.

COUNSEL FOR RESPONDENT NOs.4 to 9: None appeared

THE COURT MADE THE FOLLOWING:
ORDER:

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This writ petition is filed for a mandamus to declare the inaction of respondent Nos.1 and 2 against illegal and unauthorized construction of additional floor (4th floor) belonging to respondent Nos.4 to 8 on the premises bearing No.10-2-289/53, situated at Shanti Nagar, Masab Tank, Hyderabad, as illegal and arbitrary.

Though notices have been served on respondent Nos.4 to 6, 8 and 9, none of them entered appearance.

Mr. N. Rishi Kumar, learned counsel, representing Mr. N. Ashok Kumar, learned counsel for respondent No.2, on instructions, submitted that after the case was last adjourned, the officials of respondent No.2 have inspected the premises in dispute and found that the existing building consists of stilt + three floors and that no further construction, as alleged by the petitioner, has been undertaken.

Mr. V.V. Raghavan, learned counsel for the petitioner, has also candidly conceded that so far 4th floor has not been raised and that his client is seriously apprehending that the private respondents herein are likely to add a penthouse over the third floor.

Inasmuch as, so far no construction has been commenced by the private respondents, the apprehension on which the writ petition is filed has turned out to be without any basis. However, if and when the private respondents commence construction of 4th floor without permission, the petitioner shall be entitled to bring the same to the notice of respondent No.2 and in such an event, the said respondent shall take appropriate steps to prevent such illegal construction.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.46395 of

2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-12-2015

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