

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.38342 of 2015

Date:25.11.2015

Between:

D.Venkata Rao,
S/o Late Atchaiah @ Atchibabu
and two others.

..... Petitioners

And:

The State of A.P., repled., by its
Principal Secretary, Municipal Administration
and Urban Development (VIG-III)
Department, Hyderabad and five others.

.....Respondents

Counsel for the Petitioners: Mr. V.V.N.Narasimham

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

The Court made the following:

ORDER:

A private civil dispute between the petitioners on one side and respondent Nos.4 to 6 on the other is sought to be given the garb of a public law violation by the petitioners.

The sum and substance of the grievance of the petitioners is that respondent Nos.4 to 6 have encroached a part of their property, for which they have filed O.S.No.825 of 2015 in the Court of the I Additional Senior Civil Judge, Visakhapatnam seeking permanent injunction against respondent Nos.4 to 6, and secured an interim injunction in the said suit. The petitioners have approached respondent Nos.2 and 3 with the grievance that besides encroachment of their land, respondent Nos.4 to 6 have been raising constructions without building permission. However, contrary to the said stand, the petitioners have averred in the affidavit, filed in support of the Writ Petition, that having obtained permission for construction of three floors, respondent Nos.4 to 6 have added one more floor in deviation of the sanctioned plan. Thus, the stand taken in the Writ Petition by the petitioners is in conflict with the allegations made by them in their representations before respondent Nos.2 and 3.

As the civil dispute is the main motive behind the petitioners filing this Writ Petition, I am not inclined to entertain this Writ Petition to know whether respondent Nos.4 to 6 have been raising constructions in deviation of the sanctioned plan or not. However, respondent Nos.2 and 3 are directed to examine whether respondent Nos.4 to 6 have been constructing the building in accordance with the sanctioned plan and if not, to initiate appropriate action against the illegal constructions strictly in accordance with the provisions of the Greater Hyderabad Municipal Corporation Act, 1955.

Subject to the above directions, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.49349 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

25th November, 2015

DR