

THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6235 OF 2015

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ORDER:

In this writ petition, the petitioner seeks a writ of Mandamus to declare the action of respondents 2 and 3 in not taking steps against the 4th respondent under the GHMC Act for illegal construction undertaken by him at house bearing No.4-5-240, admeasuring 130.18 sq. yards situated at Moti Singh Lane, Sultan Bazar, Hyderabad, as illegal and arbitrary.

The grievance of the petitioner is that the 4th respondent is making construction by encroaching 10 feet lane between the property of the petitioner and the 4th respondent and the 4th respondent has also made construction violating the building norms and Zoning Regulations. Aggrieved by the same, the petitioner made a complaint before respondents 2 and 3 on 11-02-2015 and 19-02-2015 respectively. As no action is taken, the present writ petition is filed.

Heard the learned counsel for the petitioner and Sri R.Radha Krishna Reddy, learned Standing Counsel for GHMC.

On instructions, learned Standing Counsel submits that basing on the complaint of the petitioner, a show-cause notice under Section 452 (1) of GHMC Act was issued on 05-02-2014 and thereafter, the 4th respondent has approached the Civil Court by filing suit in O.S.No.749 of 2014 and also obtained injunction in the said suit. In view of the same, the respondent authorities are prevented from exercising their statutory functions.

Learned counsel for the petitioner submits that the petitioner would approach the civil court and take necessary action for vacating the interim order granted by the civil court.

In view of the above, it is open to the petitioner to get the interim order vacated and thereafter, the official respondents are directed to take appropriate action in accordance with law.

Since there is an allegation of encroachment of lane, it is for the concerned court to expedite hearing of the interlocutory application and dispose of the same as expeditiously as possible.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions pending in this writ petition, if any, shall stand closed.

A.Rajasheker Reddy, J

12th March, 2015.

Prv

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