

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.1707 of 2015

Date: 05-02-2015

Between:

Rinkan Vasant Nagda and another

.. Petitioners

AND

The State of Telangana, represented by its
Principal Secretary, Municipal Administration
and 6 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.1707 of 2015

ORDER:

-

This writ petition is filed for a mandamus declaring the action of the respondents 2 to 6 in interfering with the construction works carried on by the petitioners in respect of Flat No.302 in the 3rd floor and Flat No.402 in the 4th floor situated at House bearing No.8-2-248/B/33 on Plot No.40 known as Sri Tirumala Solitaire at Journalists Colony, Road No.3, Banjara Hills, Hyderabad in order to restore the original position in accordance with the sanction plan as illegal and arbitrary and for a consequential direction to the respondents 2 to 6 not to interfere with peaceful possession of the petitioners.

2. The case of the petitioners is that the petitioners have purchased Flat No.302 in the 3rd floor and Flat No.402 in the 4th floor in the premises bearing No.8-2-248/B/33, Plot No.40 in Survey No.116/1 of Khairthabad village, Hyderabad in an extent of

909 SFT each together with undivided share from the 7th respondent under registered sale deeds bearing Nos.2001/2014 dated 30-07-2014 and 2872/2014 dated 28-07-2014 respectively. It is stated that when the petitioners engaged labourers for completing internal works by carryout slight modifications and when the labourers executing the same, the officials of the respondents 5 and 6 came and visited the flats on 12-01-2015 and directed the labour to stop the work stating that there was a direction from this Court against the 7th respondent not to make any construction either deviating from the approved building plan or contrary thereto and took away the construction material of the labour. It is further stated since the petitioners purchased the said two flats individually and are not intending to convert the said flats into duplex; still the respondent authorities are interfering with the peaceful possession of the petitioners. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

4. Sri R. Raghavender Reddy, learned standing counsel for the respondents submits that in pursuance of the directions in W.P.No.35728 of 2013, the officials of the respondent Corporation visited the said flats and found that no constructions are made in deviation of the approved plan and the authorities are not interfering with the possession of the petitioners.

5. In view of the fact that the 7th respondent sold the said two flats to the petitioners and in view of the submissions made by the learned standing counsel for the respondents that the petitioners are not making any constructions in deviation of the approved plan, I deem it appropriate to direct the officials of the respondents

2 to 6 not to interfere with the peaceful possession of the petitioners. The petitioners shall not undertake any activity in violation of BPS approved plan. In case the petitioners make any constructions in deviation of the approved plan, it is open for the respondent authorities to take appropriate action in accordance with law. It is stated by the learned counsel for the petitioners that the respondent officials have taken away the construction material belonged to the petitioners. The respondent authorities may return such material.

With the above directions, the writ petition is disposed of.

No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 05-02-2015

Note: Issue C.C. tomorrow

B.O./Ksn