

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.41785 OF 2016

Dated:07.12.2016

Between:

B.L. Ajay Kumar, S/o. Late B. Laxmaiah,
Aged 48 years, Occ: Business,
R/o.H.No.8-7-84/9, Anandnagar
Colony, Old Bowenpally, Secunderabad .. Petitioner

And

Greater Hyderabad Municipal Corporation,
Rep., by its Commissioner, Tank Bund,
Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

Heard. With the consent of learned counsel for the parties, the Writ Petition is disposed of at the stage of admission.

2. The grievance of the petitioner is that respondents 3 and 4, who are his neighbours and do not have valid building permission, are undertaking illegal and unauthorised construction by encroaching into his property.

3. Learned Standing Counsel for the respondent – Corporation, on instructions, submits that so far as the 4th respondent is concerned, building permission was already granted to him and is undertaking construction in accordance with the said permission. So far as the 3rd respondent is concerned, no building permission was granted and having come to know that he is undertaking construction without building permission, on 05.12.2016, notice under Sections 452 (1) and 461 (1) of the Greater Hyderabad Municipal Corporation Act (for short, 'the Act') was issued granting him seven days time to show cause on the allegation made thereunder.

4. Having regard to the said submission, the contention of the petitioner that there was inaction on the part of respondents 1 and 2 is not sustainable, since action was already taken against the alleged illegal construction made by the 3rd respondent and since building permission was granted to the 4th respondent, there is no need to pass further orders in the Writ Petition. However,

if the petitioner has any other grievance, it is for him to work out his remedies as available in law. However, the respondent – Corporation shall take action strictly following the procedural requirements as envisaged under the Act, while taking action against the 3rd respondent on the allegation of illegal construction.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:07.12.2016

KH

P. NAVEEN RAO, J

