

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.41906 of 2015

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Date: 04.01.2016

Between:

Mohammed Nizamuddin and 17 others

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Petitioners

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Admn., and Urban Development Dept.,
Hyderabad and 3 others

.. Respondents

**Counsel for the petitioners : Mr.S.Mir Masood Ali
Khan**

**Counsel for respondent No.1: AGP for Municipal
Administration**

**Counsel for respondent Nos.2 & 3: Mr.N.Ashok Kumar,
SC for GHMC**

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The Court made the following:

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Order:

The petitioners in general and petitioner No.1 in particular, who, like a pot calling the kettle black, has, evidently, raised the illegal construction and obtained an order of interim injunction against removal of the same, have filed the present Writ Petition alleging inaction on the part of respondent Nos.2 and 3 in preventing respondent No.4 from raising illegal construction.

At the hearing, it has come out that while respondent Nos.2 and 3 have issued notices to respondent No.4 to stop illegal construction, as a result of which, no further construction is being proceeded with, petitioner No.1 has filed OS.No.189 of 2015 on the file of the Court of the learned Additional Junior Civil Judge at Rajendranagar and obtained an interim injunction restraining respondent Nos.2 and 3 from demolishing any part of his house bearing Municipal No.4-17-164/1 admeasuring 200 square yards or equivalent to 168.00 square meters situated at Mahmoodnagar, Hassan Nagar, Rajendranagar Mandal, Ranga

Reddy District. A perusal of the copy of the docket order, dated 11-12-2015, passed by the Additional Junior Civil Judge at Rajendra Nagar in IA.No.728 of 2015 filed by the petitioner in the above mentioned suit shows that the Judge observed that the construction being raised by the petitioner is not supported by valid permission. Nevertheless, the lower Court granted temporary injunction in favour of the petitioner.

In my opinion, the petitioners, having themselves invited action by respondent Nos.2 and 3 due to illegal constructions, are not entitled to invoke the discretionary jurisdiction of this Court complaining of inaction of respondent Nos.2 and 3 against the alleged illegal construction made by respondent No.4.

Be that as it may, the learned Standing Counsel for Greater Hyderabad Municipal Corporation has assured that not only that respondent No.4 will not be allowed to proceed with further construction illegally but also the constructions already made will be removed after following the due process of law and that with

regard to the constructions in respect of which petitioner No.1 has filed OS.No.189 of 2015, respondent Nos.2 and 3 shall take immediate steps to get the interim order, dated 11-12-2015, granted in IA.No.728 of 2015 in the said suit, vacated and take action for removal of the illegal construction, in the event the civil Court vacates the interim order.

The submissions of the learned Standing Counsel are placed on record and the Writ Petition is, accordingly, disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.54041 of 2015, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 4th January, 2016
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