THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.40074 of 2015

Dated 08th February, 2016

Between:

Smt.V.Raja Kumari and others

…**Petitioners**

And

Greater Hyderabad Municipal Corporation, rep.by its Commissioner, Tank Bund Road, Hyderabad and others

…**Respondents**

Counsel for the petitioners: Sri Avinash Desai

Counsel for the respondents: Advocate General (TS)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in interfering with the petitioners' peaceful possession and enjoyment of plots bearing Nos.417 and 418 forming part of layout, by name, Shree Prabhu Pada Township, at Kondapur, Hyderabad as illegal and arbitrary.

Respondent No.5 vide his proceeding bearing Lr.No.LRS/1789/CR-11/WZ/GHMC/2012, dated 09.05.2015, has cancelled the LRS proceedings issued in favour of the vendor of the petitioners. Feeling aggrieved by the same, the petitioners filed W.P.No.39732 of 2015. By order, dated 08.12.2015, this Court has set aside the proceedings and directed the respondents to conduct an enquiry after serving show-cause notice to the petitioners. The petitioners alleged that before conducting enquiry and in violation of

the above mentioned order of this Court, dated 08.12.2015, the officials of the Greater Hyderabad Municipal Corporation (GHMC) have removed a part of the wall raised by them on the evening of 08.12.2015 despite knowledge of the said order. Questioning this action, the petitioners filed the present writ petition.

This Court has summoned the Assistant City Planner, Circle-11 to the Court and on the oral statement made by her, the Deputy Commissioner, Circle-11 and the Assistant City Planner, Circle-11 were directed to show cause why contempt proceedings shall not be initiated against them for deliberate and wilful violation of the order of this Court. Accordingly, both of them were present on 22.12.2015 and since then, they have been continuously present on every date of hearing. On 18.01.2016, the learned Advocate General submitted that as a part of the wall was removed due to communication gap, the GHMC will re-construct the same and an affidavit to that effect will be filed. Accordingly, respondent No.4 has filed an affidavit, wherein he has *inter alia* stated that when he along with the staff visited the site on 19.01.2016, they have noticed that a compound wall was already re-constructed. Photographs in support thereof have also been filed.

The learned counsel representing the petitioners submitted that the instructions received by him after the case was last adjourned reveal that his clients have re-constructed the compound wall removed by the official respondents.

The learned Advocate General (TS) submitted that the respondents will scrupulously follow the order, dated 08.12.2015, passed by this Court in W.P.No.39732 of 2015 and will not interfere with the possession of the petitioners till the procedure as directed to be followed by this Court in the said writ petition is fully followed.

In view of the above facts and circumstances of the case, the writ petition is closed as no further adjudication is necessary.

As a sequel to disposal of the writ petition, WP.M.P.Nos.51730/15 & 1642/16 shall stand disposed of as

infructuous.

C.V.NAGARJUNA REDDY, J

08th February, 2016
VGB