

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.9152 of 2016

ORDER:

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of "Writ of Mandamus" by declaring the action of the Respondents more particularly the Respondent Nos.2 to 4 in not taking any serious action against the Unofficial Respondent No.5 who is a Builder and carrying out unauthorized construction of high-rise Building basing upon the defunct Municipal Sanction Plan vide Permit No.84/43 dt.23-01-2005 and proceeded in raising Seven (7) Floor Slabs within Three (3) months and still proceeding with further height in Part of the Land (i.e. Block 'A') in the Apartment known as Shankarji Nilayam in Municipal No.11-5-152/2, situated at Red Hills, Hyderabad, in spite of giving written Municipal Complaints given by the Writ Petitioners on 02-03-2016 and 14-03-2016 as arbitrary, highhanded, ex-facie illegal, dereliction of duty and contrary to the GHMC Act and Rules and consequently direct the Respondents more particularly the Respondent Nos.2 to 4 to verify the structural stability of the said structure and demolish by pulling down the said unauthorized structure in the interest of justice and may pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The essence of the grievance appears to be the inaction on the part of the municipal authorities in relation to the unauthorized constructions being made by the unofficial respondent.

However, Sri N. Rishi Kumar, learned counsel representing Sri N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, stated that the unofficial respondent, having obtained permission to construct, made additional illegal constructions in relation to which the municipal authorities initiated action, but a suit was filed in O.S.No.366 of 2016 before the learned IV Junior Civil Judge, City Civil Court, Hyderabad, and by order dated 18.02.2016 in I.A.No.47 of 2016 filed in the said suit, the trial Court granted a temporary injunction restraining the municipal authorities from interfering with the possession of the plaintiff over the suit schedule property pending disposal of the suit. A copy of the said order is placed on record.

Perusal thereof reflects that the plaintiff in the suit is different from the unofficial respondent in this writ petition. However, the suit property is found to be the same as is mentioned in the afore-stated prayer in this writ petition.

That being so, this Court finds no inaction on the part of the municipal authorities as they are bound to honour and implement the orders passed by the competent Court.

The writ petition is dismissed leaving it open to the petitioners to work out their remedies as regards their grievance against the unofficial respondent in accordance with law before the proper forum.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date:21.03.2016

GJ