

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3825 of 2016

Date:09.02.2016

Between:

Chilampalli Parameshwar,
S/o Late Chilampalli Eshwaraiah

..... Petitioner

And:

The Greater Hyderabad Municipal Corporation,
reptd., by its Commissioner, Hyderabad
and two others.

.....Respondents

Counsel for the Petitioner: Mr. S.K.Vishwanath Reddy

Counsel for the Respondents: None appeared

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the inaction of respondent Nos.1 and 2 in proceeding against the illegal constructions raised by respondent No.3, as illegal and arbitrary.

On the petitioner's complaint, respondent Nos.1 and 2 have issued a notice, under Section-452 (1) of the Greater Hyderabad Municipal Corporation Act, 1955, to respondent No.3 alleging that the latter has been raising constructions in deviation of the sanctioned plan.

Questioning the said notice, respondent No.3 filed Writ Petition No.1669 of 2012, in which an order of *status quo* was secured by her. After the petitioner got himself impleaded in the said Writ Petition, respondent No.3 withdrew the said Writ Petition on 01.9.2015. The petitioner alleged that after the withdrawal of the said Writ Petition, respondent No.3 has started further construction and that, therefore, he has made further representations, dated 16.4.2015 and 26.11.2015 to respondent Nos.1 and 2 and as, no action was taken on the said representations by respondent Nos.1 and 2, he has filed this Writ Petition.

At the hearing, Mr. N.Rishi Kumar, learned counsel representing Mr. N.Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, on instructions, submitted that after the withdrawal of Writ Petition No.1669 of 2012, respondent No.3 has filed an application under the Building Regularisation Scheme for regularisation of the illegal constructions and that, in ordinary course, respondent Nos.1 and 2 would have disposed of the same, but for the order passed by a Division Bench of this Court in a Public Interest Litigation directing the Greater Hyderabad Municipal Corporation not to dispose of the applications filed for regularisation. He has further submitted that as on today, no fresh construction is undertaken by respondent No.3 and that, in view of the pendency of her application for regularisation, respondent Nos.1 and 2 are disabled from proceeding against the illegal constructions made by respondent No.3.

Inasmuch as the application of respondent No.3 for regularisation is pending before respondent No.1, no *Mandamus* can be issued to remove the unauthorised constructions made by respondent No.3 and at the same time, in view of the order of the Division Bench referred to

above, no direction can be issued to dispose of the application of respondent No.3 for regularisation.

Therefore, the Writ Petition is dismissed, however, with liberty to the petitioner to avail appropriate legal remedy subject to the result of the application filed by respondent No.3 for regularisation.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.4905 of 2016 shall stand dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*09th February, 2016
DR*