

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.40391 OF 2016**

**DATED : 22.11.2016**

Between :

Gade Vijaya Mohan Reddy S/o.Raja Reddy,  
Occu : Retired Employee, R/o.Prakash Reddy peta,  
Hanamkonda, Warangal

..

Petitioner

And

The State of Telangana,  
Rep., by its Principal Secretary to Municipal Administration,  
Secretariat, Hyderabad & others.

..

Respondents



This court made the following :

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**ORDER :**

The petitioner alleges that he is a resident of Prakashreddypeta, Hanamkonda, Warangal. Petitioner complains that the 3<sup>rd</sup> respondent is undertaking construction of building in deviation of the building permission granted and is in occupation of the public road. Aggrieved by the inaction on the part of the 2<sup>nd</sup> respondent in considering his representations, this writ petition is filed.

2. Heard learned counsel for the petitioner and learned Standing counsel for the 2<sup>nd</sup> respondent.

3. Learned counsel for the petitioner submits that the petitioner and several others who are residents of the colony have complained to the Municipal Corporation about the illegal construction of building, as early as in September, 2016, but no action was taken. They have also made further representation on 17.10.2016 and caused notice through an advocate on 01.11.2016. But so far no reply was given. Whereas the 3<sup>rd</sup> respondent is undertaking construction of the building in violation of the provisions of the Greater Hyderabad Municipal Corporation Act.

4. Learned Standing counsel submits that it was true that earlier 3<sup>rd</sup> respondent occupied a portion of the public road. But the same was subsequently removed and according to the instructions, furnished to her, the building is being constructed strictly in accordance with the building permission granted.

5. Admittedly, no reply was given to the petitioner. If what is alleged by the petitioner, is true, it would make the construction illegal.

6. Having regard to the above, the respondent-Corporation is directed to examine the representations and furnish reply to the petitioner, as expeditiously as possible, preferably within a period of three (3) weeks from the date of receipt of copy of this order. In the process of consideration of representations, if the respondent-Corporation is of the opinion that there are deviations from the sanctioned plan, or encroachment on to the public road, a notice be caused on the 3<sup>rd</sup> respondent and he may be afforded due opportunity of hearing, before taking action. In the meantime any constructions made by the 3<sup>rd</sup> respondent shall abide the result of Municipal Corporation, if such construction is contrary to the building permission or in occupation of the public road.

7. With the above directions, 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.

22<sup>nd</sup> November, 2016  
Rds

**P.NAVEEN RAO,J**