

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.9594 of 2016

ORDER:

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

For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to pass an order to issue an appropriate writ, direction or order more particularly a writ of Mandamus declaring the inaction of the respondent No.2 in not taking any action against the respondent No.3 from raising constructions in premises bearing Municipal No.11-5-152/2, Red Hills, Hyderabad in spite of representation dated 02.03.2016 as being illegal, arbitrary and is in violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondent No.2 to remove all unauthorized constructions being raised by respondent No.3 in premises bearing Municipal No.11-5-152/2, Red Hills, Hyderabad, and pass such other order or orders which this Hon'ble Court deems fit and proper in the circumstances of the case."

Sri N. Rishi Kumar, learned counsel representing Sri N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC), informed this Court that notice dated 27.01.2016 was issued under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955, to the 3rd respondent herein proposing to take action in relation to the alleged illegal and unauthorized constructions being made by him. Learned counsel further stated that the 3rd respondent thereupon filed O.S.No.366 of 2016 before the learned IV Junior Civil Judge, City Civil Court, Hyderabad, and secured a temporary injunction restraining the GHMC from interfering with his possession over the suit property in any manner whatsoever in I.A.No.47 of 2016 filed in the said suit.

In the light of the above stated facts, this Court finds that there is no inaction on the part of the GHMC as it is bound to honour and implement the order passed by the competent civil Court. If the petitioner is aggrieved by the order granted in favour of the 3rd respondent by the competent civil Court, it is for him to take

appropriate steps in accordance with law.

Leaving it open to the petitioner to do so, the writ petition is dismissed.

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

JUSTICE SANJAY KUMAR

Date:22.03.2016

GJ/PGS