

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

WRIT PETITION NO.27659 OF 2015

DATED:18-01-2016

Between:

G. Balraj
and others

... Petitioners

And

The State of Telangana
Rep. by its Principal Secretary
Municipal Administration &
Urban Development Department
Secretariat Building
Secretariat
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. A. Abhisek Reddy

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal
Administration

(TS)

COUNSEL FOR RESPONDENT NOS.2 and 3: Mr. N. Ashok Kumar,
Standing Counsel for GHMC

THE COURT MADE THE FOLLOWING:

ORDER:

-

Alleging inaction on the part of respondent Nos.2 and 3 in removing the illegal constructions by a third party, who is proposed to be impleaded by a separate application by the petitioners, the present writ petition is filed.

In the affidavit filed by respondent No.2, it is *inter alia* stated that on noticing the illegal constructions, a notice under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), was issued on 26.08.2015 and thereafter an order under Section 452(2) of the Act was passed on 10.9.2015 for removal of the unauthorized constructions. That before a final notice under Section 636 of the Act was issued, the persons to whom notices were issued have filed O.S. Nos.126 of 2015 and 127 of 2015 in the Court of the Additional Junior Civil Judge-cum- XVII Metropolitan Magistrate, Cybderabad, at Rajendranagar, and secured orders of injunction on 09.10.2015 restraining the Greater Hyderabad Municipal Corporation (GHMC) from interfering with the suit schedule property. Respondent No.2 has accordingly averred that the said injunction orders disabled the GHMC from issuing final notice under Section 636 of the Act.

Respondent No.3 has also filed a separate counter affidavit deposing on similar lines. He has also enclosed copies of the counter affidavits filed by him in the interlocutory applications filed in O.S. Nos.126 and 127 of 2015.

Mr. N. Ashok Kumar, learned Standing Counsel for the GHMC, submitted that his counterpart has been seriously pursuing the case before the lower Court for vacating the interim orders and that subject to the result of the said applications before the lower Court, further action will be taken.

In the light of the above facts, which reveal that respondent Nos.2 and 3 have been taking all the required measures for removal of the unauthorized constructions, and that they are disabled from taking further action in view of the injunction orders granted by the Civil Court, the writ petition is disposed of with a direction to respondent Nos.2 and 3 to pursue the cases before the lower Court seriously and ensure that the said orders are vacated as early as possible. The petitioners are also permitted to get impleaded in the pending civil suits and seek vacation of the interim orders.

Subject to the above observations and directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.35916 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18-01-2016

bnr