

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

Writ Appeal No.1117 of 2016

JUDGMENT: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

This Appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.32105 of 2016 in W.P.No.25968 of 2016 dated 08.08.2016.

Respondents 1 to 4 herein (writ petitioners) requested this Court to grant interim relief, directing the official respondents to stop the illegal construction in Block 'A' and Block 'B' (Sethi Towers) Renuka Enclave, situated at Raj Bhavan Road, Somajigudia, Hyderabad pending disposal of the Writ Petition. While granting interim directions as prayed for, the Learned Single Judge also directed respondents 4 and 5 not to commence any bar and restaurant in the said premises. The last part of the order, restraining respondents 4 and 5 from commencing a bar restaurant in the said premises, is an interim prayer which has not even been sought by the petitioners.

Sri K.Durga Prasad, Learned Counsel for the respondent-writ petitioners, would fairly state that the petitioners would make a separate application in this regard, and the last part of the order may be set aside, leaving it open to them to make an application afresh seeking such a relief. Leaving it open to the petitioners to do so, the order under appeal shall stand modified, and the words "*the respondents 4 and 5 are directed not to commence any bar and restaurant in the said premises*" shall stand deleted therein.

Sri Vedula Venkataramana, Learned Senior Counsel appearing on behalf of the appellants, would submit that the appellants have

filed an application seeking regularisation; their application is still pending consideration before the authorities; the outer frame of the 12th floor of the building in “B” Block is already complete; what the appellants intend to do is only to make internal construction; and the law does not prohibit internal works from being carried on, even if sanction has not been accorded for construction of the 12th floor of the building, more so as the application, for regularisation, is still pending.

We must express our inability to agree. *Prima facie*, it is only buildings, completely constructed before the cut-off date of 31.03.2016, which can be considered for regularisation under the regularisation scheme. In any event, these are matters which are required to be examined by the competent authority under the regularisation scheme.

We, however, find no error in the order of the Learned Single Judge directing the appellants ~~herein~~ to stop illegal constructions in the 12th floor of “B” Block. The order under appeal shall stand modified, and the official respondents herein shall ensure that no further constructions are made in the 12th floor of the “B” Block pending further orders in the Writ Petition.

The Writ Appeal is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

RAMESH RANGANATHAN, ACJ

A.SHANKAR NARAYANA, J

Date:31.10.2016

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