

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.10763 OF 2016

ORDER:

Heard Sri Butta Vijaya Bhaskar, learned counsel for the petitioner, and Sri Chatla Madhu, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC), and Sri P. Ramulu, learned counsel appearing on behalf of the third respondent.

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not taking action on the complaint dated 05.12.2015 made by the petitioner against the 3rd respondent in respect of illegal construction making by him by encroaching road on his northern side of his site/southern side of the petitioner’s house as illegal and arbitrary and consequently, direct the 2nd respondent take action against the 3rd respondent with regard to his illegal construction and pass such other order or orders which this Hon’ble Court may deem fit and proper under the facts and circumstances of the case.”

Sri Chatla Madhu, learned Standing Counsel for the GHMC, stated that the unofficial respondent already approached the civil court and obtained an injunction against the municipal authorities from interfering with the construction and therefore the Corporation cannot be accused of inaction.

Sri P. Ramulu, learned counsel, placed before this Court a copy of the order dated 17.03.2016 passed by the learned Additional Junior Civil Judge, Malkajgiri, Ranga Reddy District, in I.A.No.223 of 2016 in O.S.No.47 of 2016. The said suit was filed by the third respondent along with others against the Deputy Commissioner of the GHMC and the trial Court directed status quo to be maintained till filing of the counter.

In the light of the afore-stated facts, this Court finds merit in the contention urged by the learned Standing Counsel for the GHMC that there is no inaction on the part of his client. In the event the petitioner is aggrieved by the orders secured by the third respondent, it is for him to take recourse to appropriate measures in accordance with law.

Reserving liberty 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**

1st April, 2016
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