

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 40724 of 2016

Date :1.12. 2016

Between :

Ramesh Deo S/o late Sri Premji Patange  
R/o H NO. 5-3-584/1, Top Khana, Osmangunj, Hyderabad  
And another

Petitioner

And

State of Telangana  
Rep by its Principal Secretary  
Municipal Administration,  
Secretariat , Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

This writ petition is filed alleging that respondents 5 to 8 have been undertaking construction at house bearing No 5-3-162, 5-3-163 and 5-2-577, Top Khana, Osmangunj, Hyderabad illegally and in deviation of the construction permission granted to them.

When the matter is taken up, learned standing counsel for respondents, on instructions, submits that respondents 5 to 8 were originally granted two separate building permissions for ground plus first floor, whereas they have clubbed two permission and constructed ground plus 5 upper floors. Alleging said illegal construction, notice under Section 452 of HMC Act was issued on 2.9.2015 and challenging the same earlier respondents filed a suit in O.S. No. 2173 of 2015 on the file of the VI Junior Civil Judge, City Civil Court, Hyderabad. Though, initially there was an order of status quo, later the suit was dismissed for non prosecution. Respondents 5 to 8 herein again instituted a suit in O S No. 1942 of 2016 on the file of the IV Junior Civil Judge, City Civil Court, Hyderabad. They have also filed I.A. No.298 of 2016 and the Trial Court granted order of temporary injunction on 12.8.2016. Since injunction was granted, respondent corporation is unable to take coercive steps against the respondents though respondents have made illegal construction.

In view of the injunction granted by the Civil Court, no relief as prayed for can be granted in the writ petition. Since litigation is pending before the trial Court, while granting liberty to the petitioner to seek impleadment in the said suit and contest the same, if so advised, writ petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:1.12.2016

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