

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.442 of 2016

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Date: 06.01.2016

Between:

Alamelu Residency Flat Owners' Association
Hyderabad, rep. by its Secretary D.Ashok Kumar

.. Petitioner

and

The State of telangana
rep. by its Prl.Secretary
Municipal Administration, Hyderabad
and 5 others

.. Respondents

Counsel for the petitioner : Mr.Krishna Murthy
Vydyula

Counsel for respondent No.1: AGP for Municipal
Administration
Counsel for respondent Nos.4 & 5: AGP for Home

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the inaction of the officials of the Greater Hyderabad Municipal Corporation in cancelling the regularization proceedings issued in favour of respondent No.6.

On the petitioner's own showing, the unauthorized construction made by respondent No.6 on the fifth floor of the premises, in which the members of the petitioner- Association own flats, was regularized as far back as 22.09.2009. Having kept quiet for more than six years, the petitioner has made a representation for the first time on 26.12.2015 to various functionaries. It is not the pleaded case of the petitioner that it had no knowledge of regularization proceedings issued in favour of respondent No.6. No explanation, whatsoever, has been forthcoming for its failure to question the regularization proceedings all these years. The petitioner cannot, therefore, be permitted to raise a stale dispute after substantially long period. The Writ Petition is, therefore, liable to be dismissed only on the ground of laches.

Dismissal of this Writ Petition, however, will not preclude the members of the petitioner-Association from protecting their respective rights to enjoy the subject property as per law while availing appropriate remedies against respondent No.6 before the common law Courts.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.550 and 551 of 2016, filed by the petitioner for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 6th January, 2016
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