

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

Writ Petition No.356 of 2016

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Date: 06.01.2016

Between:

P.Sanjeeva Reddy

.. Petitioner

and

The Asst. City Planner
GHMC, Circle- I,
Kapra, Ranga Reddy Dist., and 5 others

.. Respondents

Counsel for the petitioner : Mr.B.Sudhakar Reddy

**Counsel for respondent No.5: AGP for Municipal
Administration
(TS)**

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The Court made the following:

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Order:

The petitioner, who claims rights over certain properties against respondent No.6 and third parties, filed this Writ Petition feeling aggrieved by the purported inaction of the Greater Hyderabad Municipal Corporation (GHMC) and its functionaries in removing the alleged unauthorized constructions raised thereon by the occupants.

On the petitioner's own showing, respondent No.6 and other third parties have obtained Occupancy Right Certificates (ORCs) as far back as the year 1993, based on which, they have been in possession of the properties in dispute. Feeling aggrieved by the grant of ORCs, the petitioner filed an appeal, which is stated to be pending before the Joint Collector, Ranga Reddy District. He has further pleaded that an order of *status quo* is subsisting in the said appeal. Pending the appeal, the petitioner has approached respondent No.4 and its functionaries with a representation to remove the structures, allegedly, raised by respondent No.6 and others over the properties in dispute without permission. As no action thereon has been taken, he has filed the present Writ Petition.

From the above-mentioned facts, it is evident that the petitioner's rights relating to the properties in dispute have not been crystallized so far. As of now, respondent No.6 and others are in occupation of the said properties by virtue of the ORCs granted in their favour.

In this admitted fact situation, I am of the opinion that before seeking action for removal of the alleged unauthorized constructions raised by respondent No.6 and others, petitioner shall have to get his rights relating to the properties in dispute declared. Till such time, he may not be entitled to seek a Mandamus to respondent No.4 and its officials to discharge their statutory obligations.

Subject to the above observations, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.449 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 6th January, 2016
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