

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.2391 of 2016

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondent No.2 in taking legal action against the respondents No.3 to 10 by ensuring that the Parking place as per the approved Building Permission File No.831/67/2/12/2008, be utilized by the petitioner instead of converting the same for other purposes is arbitrary and illegal and consequently issue a direction to the respondent No.2 to ensure that the petitioner be utilized the Parking Slot No.3 in the Original Plan meant for parking of 9 cars and to pass such other order or orders...’

I have heard the submissions of the learned counsel for the petitioner and of the learned standing counsel representing the respondents 1 & 2. I have perused the material record.

The facts, in brief, are as follows: - ‘The petitioner is owner of Flat No.402, 4th floor, Harmony Nest Apartments, bearing H.No.12-2-831/67, Mehadipatnam, having purchased the same from the 3rd respondent, who is the builder. When there was a proposal to utilise the parking place in the said apartments for some other purpose, a legal notice, dated 07.11.2012, has been issued by the petitioner to the unofficial respondents 3 to 10. The petitioner also made complaint to the authorities of the respondents 1 & 2 by Online grievance redressal system, but, so far no action has been taken. Hence, the writ petition is filed to direct the respondents 3 to 10 to ensure that the parking

place is utilised for the purpose intended as per the approved building permission in file No.831/67/2/12/2008.’

At the hearing, learned counsel for the petitioner brings to the notice of the Court, a letter, dated 18.09.2014, of the Assistant City Planner, Circle No.7, GHMC, addressed to the petitioner whereby the petitioner was informed that the parking plan shown in Annexure-I is an authentic plan and the parking plan shown in Annexure-II is not valid as per the GHMC records. He would submit that if the complaint of the petitioner is disposed of by the authority concerned of the GHMC, the ends of justice would be met.

Learned standing counsel representing the respondents 1 & 2 endorses the said submission.

Recording the afore-stated submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the afore-stated complaint of the petitioner, within three (03) weeks from the date of receipt of a copy of this order, in strict accordance with the procedure established by law, and communicate the decision taken thereon to the petitioner within a week thereafter. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

11.12.2017

Vjl