

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23786 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the inaction of respondents 1 & 2 in acting on the representation and objection petition submitted by the petitioner on 05.07.2017, as illegal, arbitrary and violative of principles of natural justice and consequentially direct respondents 1 & 2 to act on the representation and objection petition submitted by the petitioner, dated 05.07.2017, and cancel the building permission granted to the 3rd respondent in the premises owned and possessed by the petitioner in respect of the petitioner's property to an extent of 1100 square yards in Survey Nos.129/75/D3 and 129/75/D4, situated at Road No.13, Happy Valley, Banjara Hills, Hyderabad.

2. Heard learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is the absolute owner and possessor of the plot admeasuring to an extent of 1100 square yards in Survey Nos.129/75/D3 and 129/75/D4, situated at Road No.13, Happy Valley, Banjara Hills, Hyderabad, which is her ancestral property. The petitioner noticed the interference of the 3rd respondent in the petitioner's property and when the petitioner questioned about her illegal acts, the 3rd respondent stated that she is the owner of the subject property and

that the 3rd respondent is playing fraud and without having any title over the subject property, the 3rd respondent has submitted an application to respondents 1 & 2 for construction permission.

4. The main grievance of the petitioner is that the petitioner submitted a representation, dated 05.07.2017, to respondents 1 & 2 requesting them not to entertain any application for the building permission, but so far, respondents 1 & 2 have neither passed any orders on the said representation nor taken any action against the 3rd respondent and the same is pending.

5. Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is of the view that the writ petition can be disposed of with the following direction:

Respondents 1 & 2 are directed to consider the representation made by the petitioner, dated 05.07.2017, and after affording reasonable opportunity of hearing to the petitioner as well as the 3rd respondent, pass appropriate orders, in accordance with law, as expeditiously as possible, more preferably within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO,J

Date: 19th July, 2017
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