

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24518 OF 2017

ORDER:

The case of the petitioner is that the 5th respondent is having property besides the petitioner's house and the 5th respondent is constructing high-rise building comprising of Cellar + 5 upper floors without leaving any setbacks by encroaching the road margin and without obtaining permission from the respondent Corporation. It is also stated that the 5th respondent is carrying out the said construction by using substandard material and that the stability of the said building is weak, which is causing threat to the petitioner and other neighbours due to weak structural stability of the said building and the easementary rights of the petitioner are also affected. Questioning the said unauthorized construction of the 5th respondent the petitioner lodged written complaint on 12.06.2017 to the respondents 2 and 3 requesting them to take immediate action against the illegal construction. As no action is being taken the petitioner personally approached the respondents 2 and 3 requesting them to take immediate action, but of no use. As such, the petitioner again gave a complaint on 07.07.2017 on the same lines to the respondents 2 and 3. But, no action is being taken by the respondent authorities. Meanwhile, the 5th respondent is proceeding with construction by managing the GHMC staff and he has crossed the

permissible heights without any municipal permission. Aggrieved by the same, petitioner filed the present writ petition.

Learned Standing Counsel appearing for respondents 2 to 4 produced notices dated 30.06.2017 and 26.07.2017 issued to the 5th respondent under Section 452(1) & 461(1) and 452 (2) of the Greater Hyderabad Municipal Corporation Act, 1955 (*for short 'HMC Act, 1955'*), respectively.

Learned counsel for the petitioner submits that inspite of issuance of the aforesaid notices the 5th respondent is proceeding with the construction.

In view of the facts and circumstances, the 3rd and 4th respondents are directed to take further action in pursuance to the notices dated 30.06.2017 and 26.07.2017, in accordance with law.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.07.2017
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