

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.12397 AND 19994 OF 2007

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they are inter-connected.

W.P.No.12397 of 2007 is filed by the owner of plot No.LIG B6/F1, situated in S.R.Nagar, Hyderabad seeking a direction to the first respondent to approve the construction of compound wall, which is constructed as per G.O.Ms.No.48 (HB2) Housing, dated 20.04.1992. The petitioner states that he submitted a representation in that regard on 15.02.2007.

W.P.No.19994 of 2007 is filed by the owner of plot No.B6/F2, First Floor of the Housing Board Colony, S.R.Nagar, Hyderabad, challenging the inaction of the respondents 1 and 2 to pull down the illegal structures raised by the third respondent in the common areas of plot bearing No.B6/F1, Ground Floor of the Housing Board Colony in spite of issuance of legal notice, dated 15.06.2007.

The respondents filed a counter affidavit stating that pursuant to the representation made by the petitioner in W.P.No.12397 of 2007, the respondents called for a report from the Officer, who reported on 01.03.2007 that as per the directions, the unauthorized compound wall was demolished along with the unauthorized structures as the other flat owners were being prevented from entering into the appurtenant land due to the said compound wall and further stated that demolition squad has not touched the water tank on the terrace. Thereupon, the Executive Engineer (Housing) stated that he instructed the Deputy Executive Engineer-III on 30.03.2007 to inspect the said block and furnish detailed report for taking necessary action on the representation made by the petitioner to construct compound wall and the Deputy Executive Engineer

by his report, dated 11.04.2007, stated that the action can be taken on the basis of the report already submitted on 01.03.2007. The petitioner was called to furnish a plan showing the proposed construction of compound wall and the petitioner accordingly submitted a letter on 16.05.2007 showing a rough sketch of the compound wall proposed to be constructed. Lastly, a letter was issued on 21.05.2007 by the Executive Engineer (Housing) issuing a 'No Objection Certificate' for construction of compound wall in the front side of flat No.B6/F1 of S.R.Nagar as shown in the plan enclosed thereto as E.F., and the petitioner was prevented from making construction of wall from 'B' to 'F' and 'D' to 'H'.

In view of the such latter communication based on the report, no further directions need to be issued in these writ petitions. However, it is open to the parties to work out their remedies as it is alleged that the petitioner in W.P.No.12397 of 2007 purchased the flat of the petitioner in W.P.No.19994 of 2007 and the matter is pending before the Hon'ble Supreme Court arising out of the suit filed by the petitioner in W.P.No.12397 of 2007 for specific performance of agreement of sale.

The writ petitions are accordingly closed. Miscellaneous petitions, if any pending, in these writ petitions, shall stand closed.

A.RAMALINGESWARA RAO, J

13.06.2017
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