

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23374 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the inaction on the part of respondents 1 to 4 in taking action on the petitioner's representation, dated 28.04.2017, and the legal notice, dated 19.06.2017, got issued by him against respondents 5 to 7, who made unauthorized construction of stair case and ramp in front of their Hotel Akshay bearing premises No.11-6-2010 by encroaching the foot path on the road leading from Nampally Station to Assembly as illegal, arbitrary, and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act 1955 (for short, 'the Act') and to direct the respondents to take appropriate steps on the petitioner's representation, dated 28.04.2017, and the legal notice, dated 19.06.2017, got issued by him against respondents 5 to 7, who made unauthorized construction of stair case and ramp in front of their Hotel Akshay bearing premises No.11-6-2010 by encroaching the foot path on road leading from Nampally Station to Assembly as per the provisions of the Act.

2. Heard the 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, peaceful possessor and enjoyer of the premises bearing H.No.11-6-2010 (Part), admeasuring 443.3 square yards,

rights in the common passage located adjacent to H.Nos.11-6-209/1 and 11-6-2010 Part, situated at Nampally, Public Garden Road, Hyderabad. When the petitioner noticed unauthorized construction undertaken by respondents 5 to 7 by encroaching the entire footpath on the road leading from Nampally Station to Assembly, the petitioner made a representation, dated 28.04.2017, to the respondent authorities with regard to the unauthorized construction being made by respondents 5 to 7, but so far, the respondent authorities have neither passed any orders on the representation, dated 28.04.2017, submitted by the petitioner nor taken any action against respondents 5 to 7.

4. Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to dispose of the writ petition with the following order:

The respondent authorities are directed to consider the representation made by the petitioner, dated 28.04.2017, and take appropriate action, in accordance with law, regarding the unauthorized construction alleged to have been made by respondent 5 to 7.

5. 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: 14th July, 2017
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