

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17636 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the inaction on the part of the official respondents upon the complaints of the petitioner, dated 23.05.2017, 01.04.2017, 07.04.2017, 18.04.2017, 21.04.2017, 24.04.2017, 28. 04.2017 & 04.05.2017, against the illegal and unauthorized construction by the 7th respondent in the premises bearing H.No.21-7-331 & 331/2, Charkaman, Shakkar Kotha, Hyderabad, Telangana State, as illegal, arbitrary, discriminatory, unconstitutional and in violation of the provisions of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), and also direct the official respondents to initiate action against the 7th respondent or their representatives or agents on the complaints of petitioner, dated 23.05.2017, 01.04.2017, 07.04.2017, 18.04.2017, 21.04.2017, 24.04.2017, 28.04.2017 & 04.05.2017, and consequently direct the official respondents to take steps against the 7th respondent for his illegal construction in the premises bearing H.No.21-7-331 & 331/2, Charkaman, Shakkar Kotha, Hyderabad, Telangana State.

2. Heard and perused the material available on record.

3. The case of the petitioner is that the 7th respondent, who is the immediate neighbour of the petitioner, is carrying construction illegally and unauthorizedly without leaving any setbacks, in the premises bearing No.21-7-331, which is situated at turning of the road and all the locality people and general people

are suffering to turn their vehicles and due to which, traffic is being jammed and nuisance is being created. It is further case of the petitioner that as the petitioner approached the official respondents many times, the official respondents issued a notice under Section 636 of the Act, dated 06.05.2017, to the 7th respondent, but till now no action has been initiated against the 7th respondent by the official respondents.

4. The main grievance of the petitioner is that the petitioner has made several complaints to the official respondents, dated 23.05.2017, 01.04.2017, 07.04.2017, 18.04.2017, 21.04.2017, 24.04.2017, 28.04.2017 & 04.05.2017, but so far, no action has been taken by the official respondents and the same are pending.

5. Sri Neeli Ashok Kumar, learned Standing Counsel for respondents 2 to 6 informed that the official respondents have already issued notice to the 7th respondent and that they will take appropriate action against the 7th respondent, if there is no permission or any deviation, in accordance with law.

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

The official respondents are directed to consider the representations made by the petitioner, dated 23.05.2017, 01.04.2017, 07.04.2017, 18.04.2017, 21.04.2017, 24.04.2017, 28.04.2017 & 04.05.2017, and take appropriate action, in accordance

with law, regarding the unauthorized construction alleged to have been made by the 7th respondent.

7. 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: 3rd July, 2017

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