

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition Nos.28975 & 19295 of 2017

COMMON ORDER:

W.P.No.28975 of 2017, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

...to grant an order, direction or writ, more so in the nature of Writ of Mandamus declaring the action of the respondents herein in not considering the petitioners application for building permission vide his application in File No.002168/Med/C1/U6/HMDA/19072017 dated 19.07.2017 and further trying to demolish structure constructed by the petitioner under the old permission granted by the 1st respondent herein vide File No.157/P4/HUDA/2002 and 5th respondent permission bearing No.GPK/46/2004 dated 15.07.2004, as illegal, arbitrary, highhanded and violative of principles of natural justice apart from being violative of Article 14 and 300-A of Constitution of India and consequently to direct the respondents herein to consider the application of the petitioner bearing File No.002168/Med/C1/U6/HMDA/19072017 dated 19.07.2017 expeditiously and further to not to interfere with the property of the petitioner and pass such other order or orders as this Hon'ble court deem fit and proper in the circumstances of the case."

At the hearing, it is brought to the notice of this Court that the neighbour, who is complaining against the constructions in the subject property, filed W.P.No. 19295 of 2017 and that the same is pending before this Court.

W.P.No.19295 of 2017, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

"..to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of Respondents No.2 & 3 in not initiating any action on the unauthorised constructions being made by the 5th respondent in Sy.No.105 of Kompally Village, Quthbullapur Mandal, Ranga Reddy District, as illegal and arbitrary and to consequently direct the Respondent Nos.2 and 3 to forthwith stop the illegal construction work undertaken by the 5th Respondent in Sy.No.105 of Kompally Village, Quthbullapur Mandal, Ranga Reddy

District; Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.”

Hence, these two writ petitions are taken up together for hearing and disposal.

2. Heard *Sri R. Raghunandan Rao*, learned senior counsel appearing for Sri T.Bala Mohan Reddy, learned counsel appearing for the petitioner in W.P.No.28975 of 2017; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; *Sri V.Narasimha Goud*, learned Standing Counsel appearing for respondents 2 to 4/ HMDA. I have perused the material record.

3. It is brought to the notice of this Court that the building permission application, dated 19.07.2017, filed by petitioner in W.P.No.28975 of 2017, is already disposed of by the authority concerned and that a rejection order was passed on 14.11.2017. In view of the subsequent development, learned senior counsel appearing for the petitioner would submit that the writ petition may be closed as infructuous reserving liberty to the petitioner to challenge the rejection order, which is now brought to the notice of the petitioner before this Court. Learned senior counsel seeks protection of the constructions already made for a period of two weeks to enable the petitioner to prefer an appeal *inter alia* stating that the petitioner will not make any further constructions and that the petitioner will maintain *status quo*.

4. Learned Standing Counsel appearing for the HMDA having produced the rejection order endorses the submission of the learned senior counsel for the petitioner insofar as the request for filing a fresh writ petition assailing the rejection order.

5. Since W.P.No.19295 of 2017 is connected to this writ petition, right of audience is given to *Sri K. Raghuveer Reddy*, learned counsel appearing for the

petitioner; and *Sri G.Narender Reddy*, learned Standing Counsel appearing for the 4th respondent in W.P.No.19295 of 2017.

6. Having regard to the submissions, both the writ petitions are disposed of as infructuous for the present, reserving liberty to the petitioner in W.P.no.28975 of 2017 as sought for. However, to protect the constructions already made, there shall be an interim direction to respondents 1 to 4 not to interfere with or demolish the constructions already made by the petitioner in W.P.No.28975 of 2017 for a period of two weeks, subject to the undertaking that the petitioner therein shall not make any further constructions and shall maintain absolute *status quo*.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

16th November, 2017
RAR

M. SEETHARAMA MURTI, J

