

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16443 OF 2012

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the inaction of the respondents 1 and 2 in stopping the construction without any permit and sanction obtained by the third respondent as arbitrary, illegal and contrary to the municipal regulations in allowing illegal construction within the urban area as being violative of Articles 14 and 21 of the Constitution of India.

Heard and perused the material.

When the matter is taken up for hearing, learned Standing Counsel for the Hyderabad Municipal Corporation, on instructions, submits that in pursuance of the representation of the petitioner, the respondent Corporation issued notice to the third respondent, and on such notice, the third respondent approached the civil Court and obtained interim order in her favour, and in view of the same, the respondents 1 and 2 could not able to proceed further.

Learned counsel for the petitioner submits that subsequently, the suit filed by the third respondent is dismissed by the trial Court and as such, the respondents 1 and 2 can proceed further in taking action against the illegal construction made by the third respondent.

Considering the facts and circumstances of the case, the respondents 1 and 2 are directed to take appropriate action against the third respondent by following due process of law if there is any violation of the Rules on the part of the third respondent.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

23.01.2017
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