

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23144 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action on the part of the Respondents No.2 to 4 in not taking any further action in pursuance of the notice No.355/ 8/ 22/ ACP/ C5/ GHMC/ 2017 dated 02-06-2017 against the Respondent No.5 in making illegal and unauthorized construction in deviation to the sanctioned plan in premises bearing No.22-8-355, Darulshifa, Hyderabad, under the guise of ad-interim injunction order in I.A. No.534 of 2017 in O.S. No.1546 of 2017 passed by Hon'ble XX Junior Civil Judge, City Civil Court Hyderabad dated 03-07-2017, to which the Respondents No.2 to 4 are not at all the parties, as illegal and arbitrary, and to direct the Respondents No.2 to 4 to take further action against the Respondent No.5 in pursuance of the notice No.355/ 8/ 22/ ACP/ C5/ GHMC/ 2017 dated 02-06-2017 and to stop further construction and demolish the construction already made by the Respondent No.5 in premises bearing Municipal No.22-8-355, Darulshifa, Hyderabad.

It is the case of the petitioner that he is the owner and possessor of house bearing No.22-8-354, Darulshifa, Hyderabad, having inherited the same from his father. The petitioner and his brother are living in the said house with their families. The 5th respondent is having a house bearing No.22-8-355 in an extent of 95 square yards of land, towards the eastern and southern side of the house of the petitioner. The 5th respondent demolished his old house and started constructing a new house without obtaining any valid permission from the respondents 2 to 4. Since the 5th respondent is constructing the house illegally and also digging a bore well on the existing road, the petitioner made several

complaints to the respondents 2 to 4. But, no action has been taken so far. Hence, this writ petition.

When the matter is taken up for hearing, it is informed by the learned Standing Counsel for respondents 2 to 4 that the respondents have already issued notice to the 5th respondent on 02.06.2017 and they will follow due process of law and take appropriate action if there is any illegal construction, as alleged by the petitioner.

Recording the said submissions of the learned Standing Counsel for respondents 2 to 4, the writ petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

July 13, 2017
KTL



RAJA ELANGO, J