

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.2225 OF 2016

ORDER:

1. This writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents 2 & 3 in not taking action against the illegal constructions of the respondents 4 to 6 on the terrace of the Ushodaya Residency Apartment vide premises No.2-22/1/19 & 20 in Sy.No.104 & 114, situated at Eenadu Colony, Kukatpally, Hyderabad, as illegal and arbitrary, and consequently, to direct the respondents 2 & 3 not to regularize the unauthorized structures made in the said premises by respondents 4 to 6 herein.

2. The case of the petitioner is as follows:

The 4th respondent was the absolute owner and possessor of Plot Nos.23 and 24, H.No.2-22/1/19 & 20, in the above survey number and she gave the said property for development to the 5th respondent for construction of residential apartment. The 5th respondent obtained permission for construction of residential apartment consisting of Stilt for parking +Upper Five floors. Respondents Nos.4 and 5 sold all the flats in the apartment to the third parties. All the flat owners formed an association, which is the petitioner herein. Respondents Nos.4 and 5 illegally constructed two pent houses on the terrace of the apartment. In spite of several representations made by the petitioner, no action has been taken so far by the official respondents.

3. Heard and perused the material available on record.

4. Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the writ petition is

disposed of directing the official representations to consider the representations of the petitioner and pass appropriate orders in accordance with law. No costs. Consequently, Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 14th July, 2017
Tsr.



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