

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION Nos.31077 and 38607 of 2017

COMMON ORDER:

W.P.No.31077 of 2017 is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proposing to construct a wall across the existing 20 ft. road (passing from west to east) connecting Bhistiwada to Holy Mary High School Road, A.C.Guards, Khairatabad, Hyderabad, as illegal, arbitrary, violation of Article 14 of the Constitution of India and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act and consequently direct the respondents not to construct the wall across the above road and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

W.P.No.38607 of 2017 is filed seeking the self same relief without disclosing pendency of the earlier writ petition filed by the petitioner-society.

I have heard the submissions of Sri Subba Rao Posani, learned counsel appearing for the petitioner in W.P.No.31077 of 2017; of Sri Mohd. Osman Shaheed, learned Senior Counsel appearing for the petitioner in W.P.No.38607 of 2017 and of Sri Sampath Prabhakar Reddy, learned Standing Counsel appearing for respondent Nos.2 and 3 in both the writ petitions. I have perused the material record.

The complaint of the petitioner in W.P.No.31077 of 2017 is about the alleged construction of a wall across the road, which is leading to Holy Mary Girl High School road.

Learned counsel for the petitioner in W.P.No.31077 of 2017 would submit that if the representation, dated 01.09.2017, of the

petitioner-association is considered and disposed of by the third respondent - Zonal Commissioner, the grievance of the petitioner would stand redressed.

Learned Standing Counsel appearing for respondents 2 and 3 in both the writ petitions strongly opposes the conduct of the petitioner in filing the second writ petition for the same relief without disclosing the pendency of the first writ petition and would submit that the said course adopted by the petitioner is an attempt to play fraud on the Court and mislead the Court to obtain orders. He therefore sought for dismissal of the second writ petition with exemplary costs. Be that as it may.

Insofar as the alleged construction of the wall blocking the road, the learned Standing Counsel would submit that earlier there existed a wall and the same was demolished by some miscreants and that the work being undertaken by the Municipal Corporation is restoration and repair of the said wall and that the Municipal Corporation has called for tenders before taking up the said work. However, he endorses the submission so far as the request for consideration and disposal of the aforestated representation of the petitioner-association by the third respondent - Zonal Commissioner.

Recording the submissions, W.P.No.31077 of 2017 is disposed of directing the third respondent - Zonal Commissioner, Greater Hyderabad Municipal Corporation, Zone-V, Khairatabad, Hyderabad, to consider and dispose of the representation, dated 01.09.2017, of the petitioner-association within four weeks from the date of receipt of a copy of this order in strict accordance with procedure established by law and communicate the decision taken

thereon to the petitioner within a week thereafter. There shall be no order as to costs.

However, in view of the conduct of the petitioner in filing the second writ petition i.e., W.P.No.38607 of 2017 for the same relief, this Court is of the considered view that the said writ petition requires to be dismissed with costs.

Accordingly, W.P.No.38607 of 2017 is dismissed with costs of Rs.3,000/- (Rupees three thousand only) payable by the petitioner to the second respondent - Greater Hyderabad Municipal Corporation.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

Date: 17.11.2017

Note: Issue Copy in two days

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M. SEETHARAMA MURTI, J

