

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19548 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the inaction of respondents 1 to 3 in not demolishing the illegal construction in spite of representations, dated 21.01.2017 and 16.03.2017, as illegal and arbitrary and opposed to principles of natural justice and consequently to direct respondents 1 to 3 to remove the illegal structures being constructed on the site bearing Door No. H.No.3-1-202 and 203 at Nimboliadda, Kachiguda, Hyderabad, by respondents 4 and 5 without any plan and without leaving setbacks as illegal and contrary to rules.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the petitioner is the absolute owner and possessor of house bearing D.No.3-1-207 at Nimboli Adda, Kacheguda, Hyderabad, in an extent of 336 square yards and respondents 4 & 5 are the owners of premises bearing D.No.3-1-202 and 203, at Nimboli Adda, Kacheguda, Hyderabad, to the west of petitioner's house. It is further case of the petitioner that respondents 4 & 5 have demolished their original old structure and started constructing a building comprising of stilt for parking and four upper floors without obtaining any permission from the respondent authorities. Aggrieved by the same, the petitioner has submitted representations, dated 21.01.2017 & 16.03.2017, to the 1st respondent alleging that respondents 4 & 5

are constructing the building without setbacks and by digging pillars for laying a stair case and lift room touching the petitioner's compound wall and requested to stop the unauthorized construction, but so far, no action is taken thereon and the same is pending.

5. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to the 1st respondent to expeditiously dispose of the representations of the petitioner.

6. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the 1st respondent to consider the representations of the petitioner, dated 21.01.2017 & 16.03.2017, pass appropriate orders, as warranted by law, as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 16th June, 2017

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