

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38420 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“..to issue any writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in issuing notice No.G../TS/NZ/C28/GHMC/2017 under Section 406 of HMC Act, 1955 dated Nil, 2017 in proposing to remove or demolish the houses of petitioners by paying compensation for the purpose of widening of the existing two meter drainage channel to 12 meters Drainage channel by demolishing the houses of the petitioners of NMDC colony, East Anand Bagh, Malkajgiri, Medchal District is illegal, arbitrary, unconstitutional and violation of Articles 14, 21 and 300A of the Constitution of India and consequently to set aside the same by allowing the petitioners to enjoy the petitioners respective houses and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.” {Reproduced verbatim}

2. I have heard the submissions of *Sri Jalli Kanakaiah*, learned counsel appearing for the petitioners, and of *Sri Chatla Madhu*, learned Standing Counsel appearing for the respondents 2 and 3. I have perused the material record.

3. Learned counsel appearing for the petitioners would submit that after institution of this writ petition and after the *status quo* orders were obtained by the petitioners, final orders were passed and that, therefore, the petitioners are required to challenge the final orders, which were passed, pursuant to the notice issued under Section 406 of the Hyderabad Municipal Corporation Act, 1955.

4. Learned Standing Counsel appearing for the respondents 2 and 3 endorses the said submission.

5. Recording the submissions, the Writ Petition is disposed of as infructuous since no cause survives for further adjudication, reserving liberty to the petitioners to challenge the subsequent proceedings. However, having regard to the facts & submissions, there shall be *status quo* for a period of two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.Seetharama Murti, J

14.12.2017
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