

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38806 of 2017

ORDER:

This writ petition is filed seeking the following relief/s:

‘...to issue a writ, order or direction more particularly one in the nature of writ of Mandamus – declaring the inaction of the respondents No.2 in preventing the illegal construction of the 3rd respondent undertaken in the land of the petitioner admeasuring 863 Sq.yards situated at Pullamma Doddi of Tandur village and Mandal, Vikarabad District, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent no.2 to consider the representation of the petitioner dt:2.8.2017 and to pass any such other order or orders...’

I have heard the submissions of the learned counsel for the petitioner, the learned standing counsel representing the 2nd respondent, and of the learned standing counsel representing the 3rd respondent. I have perused the material record.

The grievance of the writ petitioner is that the 3rd respondent institution is making unauthorised and illegal constructions, in the land of the petitioner, without obtaining any building permission from the 2nd respondent municipality and that the petitioner already instituted a suit for perpetual injunction and that during the pendency of the suit, the property was occupied and illegal and highhanded constructions are being made.

However, at the hearing, learned counsel for the petitioner would submit that the 2nd respondent municipality has already issued a notice to the 3rd respondent - Executive Officer, Bhavigi Bhadreshwar Temple, Tandoor, on 21.08.2017.

Learned standing counsel would also submit that action has already been initiated against the constructions which are complained of and that the 2nd respondent is proceeding against the 3rd respondent institution in accordance with the procedure established by law.

Having regard to the facts and submissions, the 2nd respondent municipality is directed to stop the unauthorised and illegal constructions, if any, being made by the 3rd respondent in the subject land, however by following the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

17.11.2017
Vjl

M. SEETHARAMA MURTI, J

