

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37351 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“.... to issue a writ or more particularly in the nature of a writ of *Mandamus* directing respondent Nos.2 & 3 to demolish the illegal structure and encroachment made by respondent Nos.4 & 5 against their sanctioned plan granted by respondent Nos.2 & 3 on plot no.10/part of "Snehapuri Enclave", Kushaiguda Village, under Kapra Municipality, Keesara Mandal, Medchal-Malkajgiri District the then R.R.Dist. and declare the inaction of respondent Nos.2 & 3 in not considering the petitioners representation dt.16.10.2017 with regard to illegal construction of respondent Nos.4 & 5 as illegal, arbitrary against to the principles of natural justice.”

Learned counsel for the petitioner *inter alia* would submit that though there is a complaint of encroachment of the property of the petitioner by respondent Nos.4 and 5, the latter were granted building permit for making constructions in an area of 197.12 square yards, but respondent Nos.4 and 5 are making constructions in an area of 219.22 square yards, contrary to their entitlement and building permit; and that despite the representation, dated 16.10.2017, of the petitioner, official respondent Nos.1 to 3 are not taking any action against respondent Nos.4 and 5. Learned counsel would further submit

that if the official respondents are directed to consider and dispose of the representation, dated 16.10.2017, of the petitioner and stop the constructions which are being made by respondent Nos.4 and 5 contrary to the building permit, the grievance of the petitioner would be redressed.

Learned Standing Counsel appearing for respondent Nos.2 and 3 would submit that respondent Nos.4 and 5 obtained building permit before proceeding with the constructions and if the complaint of the petitioner is with regard to the encroachment, if any, made by respondent Nos.4 and 5 into his property, he should approach the appropriate forum; and that, for the said relief, the Writ Petition is not maintainable.

Recording the afore-said submissions, the Writ Petition is disposed of directing respondent No.3-Deputy Commissioner, Greater Hyderabad Municipal Corporation, Kapra Circle, Hyderabad, to consider and dispose of the representation, dated 16.10.2017, of the petitioner in strict accordance with the procedure established by law within three weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within one week thereafter. However, if it comes to the notice of respondent Nos.2 and 3 that any constructions are being made by respondent Nos.4

and 5 in deviation of the approved plan, they shall take appropriate action against such constructions in strict accordance with the procedure established by law.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.

JUSTICE M.SEETHARAMA MURTI

27th November 2017

DR

