

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.34646 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction and more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents in not taking action on the representation of the petitioner dated 08-09-2017 to stop the illegal construction going on Plot No.33 in Map-II, Sy.No.172 admeasuring 600 Sq yards, situated at Bhagyanagar Colony, Phase-II, Kukatpally Village, Hyderabad as illegal, arbitrary and contrary to the provisions made under Municipality Act and consequently direct the 3rd respondent to take necessary action on the representation of the petitioner dated 08-09-2017 to stop the unauthorized construction at Plot No.33 in Map-II, Sy.No.172 admeasuring for 600 Sq yards, situated at Bhagyanagar Colony, Phase-II, Kukatpally Village, Hyderabad and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of case.”

[Reproduced verbatim]

2. I have heard the submissions of *Sri K.Satyanarayana Murthy*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; and of *Sri Sampath Prabhakar Reddy*, learned Standing Counsel appearing for the 2nd respondent/ GHMC. I have perused the material record.

3. The only relief claimed in the writ petition is that constructions are being illegally made and that the representation of the petitioner, dated 08.09.2017, requesting to stop the said constructions is not being considered and disposed of.

4. Learned Standing Counsel appearing for the respondents 2 to 4 would submit that permission was already accorded for making constructions in the subject property in favour of one Kyasa Sai Venisha and another, on 03.08.2016, and that therefore, in view of the prayer in the writ petition, the cause in the writ petition does not survive for adjudication.

5. Recording the said submissions, the writ petition is disposed of as infructuous reserving liberty to the petitioner to take appropriate legal action before an appropriate Forum, which law permits.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

04.12.2017
RAR



M. Seetharama Murthi, J