

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40667 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“.... to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of respondent Nos.3 and 4 on application of the petitioners dated 15.03.2016 seeking cancellation of tenement of T.R.T No.136, at H.No.2-2-145, T.R.T. Colony, Vidyanagar, Hyderabad against respondent No. 5, as being illegal arbitrary violative of Articles-14 and 21 of the Constitution of India, besides violative of principles of natural justice.”

Heard learned counsel for the petitioner, learned Government Pleader for Labour (Telangana) appearing for respondent No.3 and Mr. Pasham Krishna Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation, appearing for respondent No.4 and perused the material record.

The petitioner, who is an allottee of the upper tenement of the subject property, *inter alia* submits that the said allotment is subject to the terms and conditions stipulated in the sale deed; that as per Schedule-B of the sale deed, the land around the block (tenement structure) belongs to the Government; that the

allottees of the tenements furnished undertakings to abide by the terms and conditions of allotment and sale; that in breach of the allotment conditions and the undertaking, respondent No.5 is illegally constructing super structures encroaching the common land and the Government land without consent either from the petitioner or from the official respondents; that despite the complaints made by him, no action has been taken against respondent No.5; and that he submitted a representation dated 15.3.2016, to respondent No.3 and another representation dated 03.3.2016, to the Deputy Municipal Commissioner of respondent No.4-Municipal Corporation.

Learned counsel for the petitioner would submit that if the respondent-authorities are directed to consider and dispose of the said representations of the petitioner in strict accordance with the procedure established by law, his grievance would stand redressed.

Learned Government Pleader for Labour appearing for respondent No.3 and learned Standing Counsel for GHMC appearing for respondent No.4 endorse the said submission of the learned counsel for the petitioner.

Having regard to the aforesaid facts and submissions of the learned counsel, the respondent No.3 and the Deputy

Municipal Commissioner of respondent No.4-Municipal Corporation are directed to consider and dispose of the representations, dated 15.3.2016 and 03.3.2016, respectively, given to them by the petitioner in strict accordance with the procedure established by law within four weeks from the date of receipt of a copy of this order, after affording an opportunity of being heard to the petitioner as well as respondent No.5, and communicate the decision taken thereto to the petitioner within a week thereafter. No costs.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.



JUSTICE M.SEETHARAMA MURTI

11th December 2017

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