

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42945 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of a writ of mandamus declaring the inaction of the respondent nos.2 to 4 in considering the representations dated 27-07-2017 and 11-12-2017 wherein the petitioner requested to take appropriate action in removing and stopping the illegal construction being carrying out by the unofficial respondent and others without anyright or obtaining any valid permissions from the respondents in part of the petitioner's land admeasuring Ac.02.25 guntas, in Sy.No.316, situated at Chandanagar Village, Serilingampally Mandal, Ranga Reddy District, as illegal, arbitrary and in violation of Article 14, 21 and 300-A of the Constitution of India besides in violation of Principles of natural justice and consequently direct the respondents to consider the petitioner’s representation dated 27-07-2017 and 11-12-2017, including direction to stop and remove the illegal construction being carrying out by the respondent no.5 and others over the petitioner's part of land admeasuring Ac.02.25 guntas, in Sy.No.316, situated at Chandanagar Village, Serilingampally Mandal, Ranga Reddy District, 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 *K.Ravinder Reddy*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (for short, ‘GHMC’), appearing for the respondents 2 to 4. I have perused the material record.

3. Learned counsel for the petitioner brings to the notice of the Court the copy of the judgment, dated 16.09.2016, in O.S.No.363 of 2013, passed by the II Additional Senior Civil Judge, Ranga Reddy District, at L.B. Nagar, Hyderabad, granting a perpetual injunction in favour of the plaintiff/petitioner herein in respect of the subject property against the 5th respondent herein and two others and submits that despite such an injunction decree in favour of the petitioner, the 5th respondent, along with his men, is often making temporary trespasses into the subject property and is attempting to make constructions without any right, title and interest in the property and without a building permit and that when a representation, dated 11.12.2017, is given to the Commissioner, i.e., the 2nd respondent, no action has been taken and, hence, the present writ petition is filed.

4. Learned counsel appearing for the petitioner would submit that if the representation of the petitioner, dated 11.12.2017, is considered and disposed of by the 3rd respondent, the ends of justice would be met.

5. Learned Standing Counsel appearing for the respondents 2 to 4 endorses the said submissions.

6. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the representation, dated 11.12.2017, of the petitioner, in strict accordance with procedure established by law, however, within a period of four (04) weeks from the date of receipt of a copy of this order and communicate a copy of the decision taken thereon to the petitioner within a week thereafter. In the meanwhile, if, on an

inspection, it is noted by the respondents 2 & 3 that the construction activity undertaken by the 5th respondent is unauthorised and illegal and without any permission or in deviation of the building permit, if any, they shall forthwith initiate appropriate action against such constructions made and being made, in strict accordance with procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 21st December, 2017

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