

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42202 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 prayed that this Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the official respondent No. 2 in considering the petitioner's representation dated 21-02-2017 requesting to stop the ongoing illegal and unauthorized construction being raised by Respondent No. 3 in property bearing Plot No. 186, in Survey No. 60 (P), 650 (P) & 651, admeasuring 333 sq yards situated at Gopal Reddy Nagar, Vampurguda, under GHMC Kapra, Circle No.1 Keesara Mandal, Ranga Reddy District as is illegal, arbitrary, without right and title, against the principles of natural justice and in violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondent No. 2 to stop the illegal and unauthorized construction being raised by Respondent No. 3 in the petitioner's property, in the interest of justice and pass such other order or orders as deemed fit and proper in the circumstances.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *V.Durga Nageswara Rao*, learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Pasham Krishna Reddy*, learned Standing Counsel representing the Greater Hyderabad Municipal Corporation (GHMC), appearing for the 2nd respondent. I have perused the material record.

3. The case of the petitioner and the grievance, as stated in the writ petition and as per the submissions made before this Court, in brief, are as follows: ‘The petitioner is the owner and possessor of Plot No.186 in Survey Nos.60 (P), 650 (P) and 651, admeasuring 333

square yards, situated at Gopal Reddy Nagar, Vampurguda, under GHMC Kapra, Circle No.1, Keesara Mandal, Ranga Reddy District. The 3rd respondent, who is a land grabber, by creating fabricated documents, entered into the said property and started making unauthorised and illegal constructions. The petitioner gave a representation, dated 21.02.2017, complaining against such constructions being made by the 3rd respondent. Despite the said representation, no action is being taken by the respondents 1 & 2. The Public Information Officer and the Deputy Commissioner, Kapra, Circle No.1, GHMC, on the request of the petitioner, furnished information under the provisions of the Right to Information Act, 2005, stating that there is no permission accorded for construction of building on the subject plot.'

4. Learned Standing Counsel appearing for the 2nd respondent Municipal Corporation, while drawing the attention of this Court to the contents of the representation of the petitioner, would submit that there is a title dispute as regards the subject property between the petitioner and the 3rd respondent.

5. Learned counsel for the petitioner submits that if a direction is given to the Deputy Commissioner, GHMC, to consider and dispose of the representation, dated 21.02.2017, of the petitioner, the ends of justice would be met.

6. Recording the submissions, the Writ Petition is disposed of directing the Deputy Commissioner, GHMC, to consider and dispose of the representation, dated 21.02.2017, 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 the decision taken thereon to the petitioner within a week thereafter. It is made clear that if it is noticed, in the meanwhile, that the 3rd respondent is proceeding with constructions unauthorizedly and illegally or in deviation of the building permit, if any, the 2nd respondent authority shall stop such constructions, by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 15th December, 2017

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