

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42890 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, 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 a writ or order/s more particularly one in the nature of Writ of Mandamus seeking a direction to the respondent no. 1 and 2 to take action on notice dated 16-11-2017 issued by us for taking necessary action against the fourth respondent for making unauthorised constructions in premises bearing municipal no. 6-2-12, Lakdi-kapul, Hyderabad; and be pleased to pass such other order/s 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 *B.Vijaysen Reddy*, learned Senior Counsel appearing for the petitioners, 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 & 3. I have perused the material record.

3. The case of the petitioners and their grievance, as per the submissions and as borne out by the material record, in brief, is this: The petitioners instituted O.S.No.212 of 2017 against the 4th respondent, on the file of the X Additional Chief Court, City Civil Court, Hyderabad, for declaration that certain registered Sale Deeds are null and void and for other reliefs. During the pendency of the said suit, the petitioners came to know that the 4th respondent started digging operations and construction activity in the subject

property covered by the said suit without even obtaining a building permit and that the said construction activity is illegal and unauthorised. Therefore, the petitioners gave a legal notice, dated 16.11.2017, to the Commissioner, and Deputy Commissioner, GHMC, respondents 2 & 3 herein, but, no action is taken on the said representation. Therefore, the present writ petition is filed.'

4. Learned Senior Counsel appearing for the petitioners would submit that if the representation in the legal notice, dated 16.11.2017, is considered and disposed of by the Deputy Commissioner, Circle – 10A, GHMC, the ends of justice would be met.

5. Learned Standing Counsel appearing for the respondents 2 & 3 endorses the said submissions.

6. Recording the submissions, the Writ Petition is disposed of directing the Deputy Commissioner, Circle – 10A, GHMC, to consider and dispose of the representation of the petitioners in the legal notice, dated 16.11.2017, of the petitioners, 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 petitioners 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 4th 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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