

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.41888 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“..to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the inaction on part of the respondents No. 2 and 3 in taking action against the illegal construction in respect of property bearing No. 6-3-392, is highly illegal, arbitrary, in violation of GHMC Act on the complaints given by the petitioner dated 8.11.2017 and 23.11.2017. Consequently, this Hon'ble Court may be pleased to direct the respondent No. 2 and 3 to follow due procedure of law contemplated under the GHMC Act and take action against the illegal construction by the respondent No. 4 in respect of property bearing No. 6-3-392, and pass any other order or orders as deemed fit and proper under the circumstances of the case, in the interest of justice.”

2. Heard learned counsel for the petitioner and Sri Sampanth Prabhakar Reddy, learned Standing Counsel for GHMC appearing for respondents 2 and 3. Perused material record.

3. This Court is of the view that the writ petition can be disposed of at the stage of admission and therefore, there is no need to order notice to the fourth respondent.

4. The submissions and grievance of the writ petitioner are as follows: 'The petitioner is the lawful owner of the house bearing M.C.No.6-3-385, behind Punjagutta Police Station, Hyderabad, and that the fourth respondent, who is his neighbour, demolished his house bearing No.6-3-392 and started raising construction of a new house and that the said proposed construction is opposite to a grave yard and that it is at the entrance of a lane and that without obtaining building permit and without maintaining the set backs, the fourth respondent is proceeding to make unauthorized and illegal constructions and that the fourth respondent has so far constructed three floors and that despite a representation, dated 08.11.2017, no action is being taken by the official respondents.'

5. Learned Standing Counsel, on instructions, would submit that a notice under Section under Section 452(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') was issued to the fourth respondent on 18.07.2017 and that the next notice under Section 452(2) of the Act was issued on 23.10.2017 and that the constructions made in the fourth floor are demolished and that there was no response from the fourth respondent to the said notices and that when respondents 2 and 3 are contemplating to take further action, the fourth respondent and three others filed O.S.No.2543 of 2017 on the file of the Additional Junior Civil Judge, City Civil Court, Hyderabad, and obtained *status quo* orders in I.A.No.541 of 2017, on 03.11.2017, and that therefore, no further action could be taken.

6. Recording the submissions, the writ petition is disposed of directing respondents 2 and 3 authorities to take appropriate action in accordance procedure established by law against the constructions, which are unauthorizedly made by the fourth respondent, if necessary, by approaching the Civil Court, and seeking vacation of the *status quo* orders to facilitate taking of further action in the matter.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 15.12.2017
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M. SEETHARAMA MURTI, J