

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41153 of 2017

ORDER:

This writ is filed seeking verbatim the following relief/s:

‘...to issue any writ order or direction more in the nature of Writ of Mandamus declaring the inaction of the respondents 1 to 3 herein in considering the petitioner’s representation, dt.18.7.2017, 29.10.2017 and removing the illegal and unauthorised constructions raised by the 4th respondent in premises bearing H.No.15-6-139, Kolsawadi, Begum Bazar, Hyderabad, as illegal, arbitrary and contrary to law and consequently direct the respondents 1 to 3 herein to consider the representations, dt.18.7.2017, 29.10.2017 submitted by the petitioner and forthwith initiate action on the same and demolish the illegal structures raised by 4th respondent in premises bearing no. H.No.15-6-139, Kolsawadi, Begum Bazar, Hyderabad, and pass such other order or orders may deem fit and proper in the circumstances of the case...’

Heard the learned counsel for petitioner and the learned Standing Counsel representing the respondents 1 to 3. Perused the material record.

The submissions and grievance of the writ petitioner are as follows: ‘The 4th respondent having earlier made constructions on the back side of his total site of total 270 Square yards, that is, in 150 Square yards, is now proceeding with construction of a four storied building on the front side, that is, in the remaining 120 Square Yards, without approved plan for construction of such a four storied building. The said construction is causing inconvenience to the petitioner’s property and hardship to the petitioner, who is the adjacent building owner. When a writ petition is filed earlier regarding construction made in the back portion of the site, this Court directed the official respondents to consider the representations made by the petitioner and take appropriate action in regard to the unauthorised constructions made by the 4th respondent; so far no action was taken in regard to the said constructions. Insofar as the present constructions also, the petitioner gave representations, dated 18.7.2017 and 29.10.2017, but no action is being taken by the respondents 1 to 3. The 4th

respondent is now proceeding to lay slab on the 4th floor. Therefore, the writ petition is filed.'

Learned Standing Counsel would submit that as per the oral instructions received by him, permission is obtained by the 4th respondent for construction of ground and first floor and that the respondents 1 to 3 would proceed against the unauthorised and illegal constructions being made by the 4th respondent in accordance with the procedure established by law.

Learned counsel for the petitioner would submit that if a direction is given to dispose of the representations of the petitioner, the ends of justice would be met.

Recording the afore-stated submissions, the Writ Petition is disposed of directing the 2nd and 3rd respondent authorities to consider and dispose of the representations, dated 18.7.2017 and 29.10.2017, of the petitioner within four (04) weeks from the date of receipt of a copy of this order, in strict accordance with the procedure established by law, however, after affording an opportunity of hearing to the petitioner as well as the 4th respondent and communicate the decision taken thereon to the petitioner within a week thereafter. Since the 4th respondent made unauthorised constructions earlier also, the respondents 1 to 3 are directed to stop the 4th respondent forthwith from making any constructions in deviation of the approved plan, however, by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

07.12.2017
Vjl