

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40950 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 the petitioner pray the Hon’ble Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents in not discharging their legitimate public duties in removing the wall which is constructed by the 4th respondent across the existing Nala which is existing in between Mr. Murthy House and Ganga Apartment to discharge the rain water to Pedda Cheruvu through IICT Campus by duly considering the complaints filed by the petitioner association and also the other locally residing people and withdraw the proposed work of laying pipe line at the cost of the Municipality to discharge the rain water instead of removing the block made by the 4th and 5th respondents across the existing Nala, as illegal, unlawful, contrary to law and against the principles of natural justice and consequently direct the 2nd and 3rd respondents to forthwith remove the wall constructed by the 4th respondent across the existing Nala and see that the rain water in the locality will be discharged through the said Nala and IICT Campus to go to Pedda Cheruvu instead of laying new pipe line for the said purpose at the cost of the Municipality, and pass such other order or orders which are necessary in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *M. Damodar Reddy*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Chatla Madhu*, learned Standing Counsel appearing for the respondents 2 & 3. I have perused the material record.

3. In this writ petition, the submission and grievance of the writ petitioner is as under: ‘Whenever rains come, the rain water

collected at various places comes mostly from and beyond Habsiguda – Uppal Main Road and flows, due to the lie of the land to a drain, which begins by the side of Ganga Apartments and runs through the premises of the Indian Institute of Chemical Technology (IICT) and then ultimately reaches Pedda Cheruvu in Nacharam. The water was, thus, flowing till the year 2009; but, due to construction of a compound wall by the 4th respondent Apartments, the flow of the water to Pedda Cheruvu is stopped; and, therefore, due to stagnation of the water, the petitioner's Apartment Complex is getting inundated. Hence, several representations are submitted. Without considering and disposing of the representations and without directing for removal of the compound wall constructed by the 4th respondent Flat Owners Association, an activity is being undertaken to lay pipelines for discharge of the water to a Children's Park. Therefore, the present writ petition is filed.'

4. Learned counsel for the petitioner would submit that if the representations of the petitioner are disposed of, in strict accordance with procedure established by law, the ends of justice would be met.

5. Learned Standing Counsel endorses the said submission.

6. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the representations, dated 12.06.2012, 27.05.2013, 04.08.2013, 06.05.2014, 08.06.2014, 11.07.2014, 19.08.2014, 08.01.2016, 10.02.2016, 28.03.2016, of the petitioner, in strict accordance with procedure established by law, within a period of three (03) 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.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 6th December, 2017

Note: Issue C.C. in two (02) days.

(B/o.)
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