

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42907 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 the petitioner herein prays that this Hon’ble court may be pleased to pass an order to issue an appropriate writ, direction or order more particularly a Writ of Mandamus declaring the action of the respondents No. 2 to 4 in not taking any action against the respondent No.5 & 6 from making unauthorized construction in premises bearing Municipal No. 18-4-469, situated at Aliabad, Hyderabad, T.S in spite of representation dated 26-10-2017 as being illegal, arbitrary and is in violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondents No.2 to 4 to stop all unauthorized construction made by the respondent No.5 & 6 in premises bearing Municipal No. 18-4-469, situated at Aliabad, Hyderabad, T.S and pass such other order or orders which this Hon’ble court deems fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *Mohammed Shanoor*, learned counsel appearing for the petitioners, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *N.Ashok Kumar*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (for short, ‘GHMC’), appearing for the respondents 2 to 4. I have perused the material record.

3. Learned counsel for the petitioners submits that there is a civil litigation between the petitioners and the respondents 5 & 6 and that during the pendency of the said civil litigation, the respondents 5 & 6 are making illegal and unauthorized constructions in the subject property, which is also the subject matter of the civil litigation and that the petitioners came to know that such constructions are being

made without any building permission from the GHMC and that despite a representation, dated 26.10.2017, given by the petitioners to the 2nd respondent, no action has been taken; and, hence, the present writ petition is filed.

4. Learned counsel appearing for the petitioners would submit that if the representation of the petitioners, dated 26.10.2017, is considered and disposed of by the 3rd respondent, the ends of justice would be met.

5. Learned Standing Counsel appearing for the respondents 2 to 4 endorses the said submissions.

6. Recording the submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the representation, dated 26.10.2017, 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 respondents 5 & 6 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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