

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39672 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 that this Hon’ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No.4 in not taking any action against Respondents No. 5 to 8 herein for making illegal construction and carrying out development activity in Sy.No. 194/8/1, in an extent of Ac. 10-04 guntas, situated at Begumpet, Hyderabad, as being arbitrary, illegal and contrary to GHMC Act, 1955, consequently direct the Respondent No. 4 to take appropriate action for the removal of illegal construction and developmental activity made by Respondent No.5 to 8 and pass such other order or orders 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 *D. Jagan Mohan Reddy*, learned counsel appearing for the petitioner, 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 to 4. I have perused the material record.

3. As this Court is inclined to dispose of this writ petition at the stage of admission, there is no need to order notices to the respondents 5 to 8.

4. The case and the grievance of the petitioner are as follows: The petitioner is the absolute owner of Ac. 24.00 guntas of land in Survey No.194/8/1, situated at Begumpet Village, Hyderabad, having purchased under registered Sale Deed bearing Document No.2031/1986, dated 14.07.1982. The petitioner came to know that

the Special Deputy Collector and the Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy District, by order, dated 26.05.2014, passed orders granting Occupancy Rights Certificate under Section 4 of the A.P. (T.A.) Abolition of Inams Act, 1955, in respect of Ac. 10.04 guntas out of the property of the petitioner. Having come to know of the same, the petitioner preferred an appeal before the Joint Collector, Medchal District at Keesara. In the said appeal, submissions of both sides are heard and orders are reserved. When the unofficial respondents are proceeding with constructions without building permit, the petitioner submitted a written complaint, dated 24.10.2017, to the 4th respondent, but no action has been taken by the 4th respondent against the respondents 5 to 8, who are carrying out development and construction activity in the afore-stated Ac. 10.04 guntas of property, which is part of the property of the petitioner purchased under registered Sale Deed, dated 14.07.1982. Hence, the present writ petition.'

5. Learned counsel for the petitioner would submit that if the written complaint, dated 24.10.2017, submitted to the 4th respondent is considered and disposed of, the ends of justice would be met.

6. Learned Standing Counsel appearing for respondents 2 to 4 would submit that the application for building permit submitted by the respondents 5 to 8 is under consideration and that as per the instructions received, no construction activity is going on in the subject property.

7. Recording the submissions, the Writ Petition is disposed of directing the 4th respondent i.e., The Assistant City Planner, Circle No.30, Greater Hyderabad Municipal Corporation, to consider and

dispose of the written complaint, dated 24.10.2017, of the petitioner in strict accordance with the procedure established by law, however, within a period of eight (08) weeks from the date of receipt of a copy of this order, after giving an opportunity of hearing to the respondents 5 to 8 also 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: 28th November, 2017

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