

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.4 of 2018 in W.P.No.1310 of 2018

and

WRIT PETITION Nos.1310 and 1340 of 2018

COMMON ORDER:

Heard the learned counsel for petitioner in both cases, and Sri Siddhartha Sarma, learned Standing Counsel for GHMC.

2. The subject matter of both these Writ Petitions is a portion of the YMCA building located in premises No.3-4-545 to 547, Narayanaguda, Hyderabad.

3. Alleging that the said building is in a dilapidated condition, a notice dt.10-01-2018 was issued by the Assistant City Planner, GHMC, Hyderabad to the petitioner in W.P.No.1310 of 2018. Information was also given by the said Officer to the Station House Officer, Narayanaguda P.S. to give police aid for demolition of the same starting from 12-01-2018.

4. Prior thereto, the petitioner in W.P.No.1310 of 2018 filed W.P.No.44018 of 2016 challenging the same. The said Writ Petition was disposed of on 19-12-2016 directing the Deputy Commissioner of respondent-Corporation to consider the representation of the second petitioner submitted on 17-10-2016 and take appropriate decision as warranted by law. It was further stated that, having regard to the status of the building, such decision has to be taken as expeditiously as possible, preferably, within a period of three weeks from the date of receipt of copy of its order. Petitioners were also directed to take all

measures to ensure stability of the building and to also ensure that no person(s) shall be affected by any damage that may be caused, if building stability is not good. It is made clear that, if no precautions are taken and any damage is caused to any person(s), the petitioners shall be held responsible.

5. While the said Writ Petition was pending, W.P.No.1340 of 2018 was filed for a direction to the GHMC to depute officials for demolition of the said structure as per the proceedings dt.22-12-2017 issued by the Assistant City Planner, GHMC and also seeking police aid.

6. Both these Writ Petitions were heard on 19-01-2018 by this Court and the following order was passed:

“In both the Writ Petitions from the rival claims by the respective petitions, one to not to demolish and another to demolish representing the YMCA by both sides, Sri Ch.Siddhartha Sarma, offers to appear for GHMC and the officials therein respective Nos.2 and 3 in W.P.No.1340 of 2018, respondent Nos.1 to 4 in W.P.No.1310 of 2018 and at request of learned Government Pleader for Home and Municipal Administration for respondent Nos.1 and 4 respectively in W.P.No.1340 of 2018 and learned Government Pleader for Home for respondent No.5 in W.P.No.1310 of 2018 also to get written instructions, post on 01-02-2018.

The undertaking of demolition shall be after further hearing on 01-02-2018.”

7. Thus, this Court specifically directed that act of demolition shall be done after further hearing on 01-02-2018.

8. However, coincidentally on the very day in the late evening hours, according to the petitioner in W.P.No.1310 of 2018, a portion of the structure was demolished by the petitioner in W.P.No.1340 of 2018. This allegation is denied by the petitioner in W.P.No.1340 of 2018, who states that a portion of the building fell down by itself because it was in a dilapidated state.

9. Learned counsel for petitioner in both cases admit that the GHMC had no role in the demolition which occurred on the evening of 19-01-2018.

10. In support of the contention of the petitioner in W.P.No.1310 of 2018 that the petitioner in W.P.No.1340 of 2018 is responsible for demolition, certain photographs have been filed, which indicate the presence of M.J.Davi, alleged President of YMCA of Greater Hyderabad, which is the petitioner in W.P.No.1340 of 2018.

11. After demolition took place, the petitioner in W.P.No.1310 of 2018 filed I.A.No.4 of 2018 to amend the prayer in the Writ Petition seeking a prayer that a direction be given to respondents to rebuild the demolished structure. This application is not opposed, and it is accordingly ordered.

12. The issue in the Writ Petitions i.e. “whether or not the building in question is required to be demolished” has now become academic in view of the fact that a portion of the structure has fallen down/was demolished on the evening of 19-01-2018.

13. However, since both the Writ petitioners are interested in having a structurally stable structure and since it is in the interest of justice that the structure be rebuilt, the petitioner in W.P. No.1340 of 2018 is permitted to rebuild the portion of structure in the premises of YMCA, which fell down on 01-02-2018, in consultation with the official of the GHMC, and after obtaining appropriate permission from the GHMC in that regard.

14. It is made clear that this Court has not expressed any opinion as to which of the petitioners is the lawful custodian of the properties of YMCA of Greater Hyderabad and which of them is authorized to represent the said organization since it is stated that civil disputes are pending between the parties in O.P.No.909 of 2016 before the XXV Additional Chief Judge, City Civil Courts, Hyderabad and O.P.No.910 of 2016 before the X Junior Civil Judge, City Civil Courts, Hyderabad. This order shall not in any way influence the said Courts in deciding as to which of the petitioners is entitled to run the administration of the YMCA, Greater Hyderabad.

15. Both the Writ Petitions are disposed of accordingly. No costs.

16. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-04-2018
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