

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.32655 of 2016

ORDER:

Heard the learned counsel for the petitioner, learned standing counsel for respondent Nos.2 and 3 and the learned counsel for respondent No.5.

The prayer in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays 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 the respondents particularly 2nd and 3rd respondents in not taking any action on the representation of the petitioner dated 09.09.2016 against the illegal construction raising by the 4th respondent by encroaching into the public road as well as drainage channel under premises bearing plot No.53, Road No.12, IDA Katedan, Hyderabad, as illegal, arbitrary, unjust, unconstitutional and contrary to the provisions of the Hyderabad Municipal Corporation Act, 1955 and the Rules made thereunder, and consequently direct the respondents 2 and 3 to demolish the illegal constructions raising by the 4th respondent over the subject property, immediately and forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper.”

During the course of hearing, it is brought to the notice of this Court that as far as the industrial area, Katedan, is concerned, the 5th respondent alone has got jurisdiction to grant permission and supervise the constructions made therein. However, the petitioner appears to have submitted representation dated 09.09.2016 to respondent Nos.2 and 3, who, admittedly, have no jurisdiction over the industrial area. On this the learned counsel for the petitioner would submit that the petitioner will make a representation to the 5th respondent against the illegal constructions raised by the 4th respondent by encroaching the public road as well as drainage channel under premises bearing Plot No.53, Road No.12, IDA Katedan, Hyderabad. In these circumstances, this Court feels that no cause would survive in the present writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to submit a representation to the 5th respondent upon which the 5th respondent shall consider the same and pass appropriate orders in accordance with law. No order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

JUSTICE P. KESHAVA RAO

Date: 24.04.2018.
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