

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26994 of 2008

ORDER:

This Writ Petition is filed seeking a direction to remove the unauthorized structure constructed by the 4th respondent in Plot NO.25, situated at Sainagar Village, Uppal Mandal, L.B. Nagar Municipality, Ranga Reddy District and to take action against the 4th respondent for illegal encroachment of the road.

The brief facts are that the petitioner is the owner of the Plot No.31 situated at Sainagar Colony, Nagole Village, whereas, the 4th respondent is the owner of the plot No.24, which is opposite to his house. The allegation is that the 4th respondent has started construction of ground plus five floors apartment, without leaving any statutory set backs, and unauthorizedly placing the building material on the road by blocking the existing 30 feet road. Though the petitioner lodged a complaint with respondent Nos.2 and 3, they have not initiated any action against the 4th respondent. Hence, the present Writ Petition.

Heard the learned Standing Counsel for GHMC.

Initially, on hearing the matter, this Court granted interim direction on 11.12.2008 for a period of four weeks directing the 4th respondent not to make any further construction. Subsequently, the matter was admitted on 23.01.2009 and extended the interim order until further orders. After that the matter was adjourned on several occasions for filing counter affidavits, but no counter affidavits have been filed by the respondents. Further, the matter was adjourned from time to time under the caption 'final hearing'. Finally, on 23.08.2018, the matter was directed to list under the

caption 'for dismissal'. Though the matter was posted on 30.08.2018, none appeared on behalf of the petitioner. Today, when the matter is taken up in the morning there was no representation on behalf of the petitioner hence, it was passed over. When the matter is called again at 3.30 p.m., there is no representation. In those circumstances, it is presumed that the petitioner does not wish to prosecute further.

In those circumstances, the Writ Petition is dismissed for non-prosecution. There shall be no order as to costs.

Consequently, the miscellaneous applications, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date:30.08.2018.

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