

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28473 of 2007

ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the action of respondent No.1 in highhandedly demolishing the property of the petitioners, i.e., premises bearing House Nos.12-1-982 and 12-1-989, situated at North Lallaguda, Secunderabad, despite Ordinance bearing No.52, dated 15.12.2007, published in A.P.Gazette Part-IV B as well as representation made by the petitioners on 28.12.2007 for regularization, as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently direct respondent No.1 not to demolish the property of the petitioners.

Heard Smt. W.V.S.Rajeswari, learned counsel for the petitioners, Sri Chatla Madhu, learned Standing Counsel for GHMC and Sri Wasim Ahmed Khan, learned counsel for respondent No.2.

When the matter is taken up for hearing, it is informed by the learned Standing Counsel for GHMC that the deviations made by the petitioners have been regularized, vide proceedings, dated 30.12.2010 and therefore, the cause in this writ petition does not survive.

The learned counsel for the contesting respondent No.2 has submitted that respondent No.2, who happens to be the neighbour of the petitioner, has filed vacate stay petition and he is the aggrieved person of the deviations made by the petitioner, and more over, respondent No.2 has challenged the regularization proceedings made in favour of the petitioners by preferring an appeal before the Appellate Committee, GHMC, and the said appeal has not been taken up for hearing. In those

circumstances, respondent No.2 filed a writ petition being W.P.No.11652 of 2012 and the same is pending before this court.

Having considered the rival submissions made by both the parties, and in view of the submissions made by the learned Standing Counsel for GHMC, the cause in this writ petition does not survive, as the relief sought for in the present writ petition has already been granted by respondent No.1 by issuing regularization proceedings. However, such regularization will be subject to the result of the writ petition in W.P.No.11652 of 2012, filed by respondent No.2.

With the above observations, the Writ Petition is closed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 17.04.2018
Dsr

ABHINAND KUMAR SHAVILI,J

