

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.43526 of 2016

ORDER:

Heard Mr.K.Rathangapani Reddy for petitioners and Mr.Siddhartha Sarma for respondents 1 and 2 and Mr.Srinivasa Rao Velivela for respondents 3 and 4.

The petitioners and respondent Nos.3 and 4 are neighbours. The petitioners have constructed a building in house No.3-5-170/A/4/3 of Narayanaguda, Hyderabad. The respondent Nos.3 and 4 by taking permission from respondents 1 and 2 have proposed to construct Ground + 2 floors in D.No.3-5-170/A/4/1&2.

The grievance of petitioners is that respondent Nos.3 and 4 have undertaken the construction of building and while digging for construction of stilt, the compound wall constructed by petitioners caved in, the petitioners by referring to direct and indirect impact on the existing structures in H.No. 3-5-170/A/4/1&2 at Narayanaguda represented on 06.12.2016 to respondents 1 and 2 and action is not taken by the respondents. On 16.12.2016, this Court directed respondent Nos.3 and 4 not to proceed with the construction. Respondent Nos.3 and 4 have filed the petition seeking vacation of interim direction. Respondent Nos.1 and 2 have filed counter affidavit, on the steps taken pursuant to the representation given by the petitioners.

The prayer of petitioners is, against the inaction in disposing of the representation dated 06.12.2016. The petitioners are of firm belief that respondent Nos.1 and 2 have power, but they have failed to act within the time warranted by the circumstances of the case to avert further danger.

Mr.Srinivasa Rao Velivela submits that caving in compound wall cannot and ought not be treated as serious situation in execution of permission granted by respondent Nos.1 and 2. However, according to him, respondent Nos.3 and 4 are constructing the building as per the sanctioned plan and by taking all safety measures as are required to avoid hardship to neighbours.

From the above brief narration, this Court is of the view that responsibility, function and duty are cast on respondent Nos.1 and 3 herein. This Court is of the view that respondent Nos.1 and 2 have responsibility and duty, this responsibility and duty are fastened on them by building regulations and Hyderabad Municipal Development Corporation Act, 1956.

The representation since is still pending before respondent Nos.1 and 2 not only for the purpose of construction of building as per the sanctioned plan but also to allay the fears of petitioners, this Court directs the 2nd respondent to look into the representation as circumstances

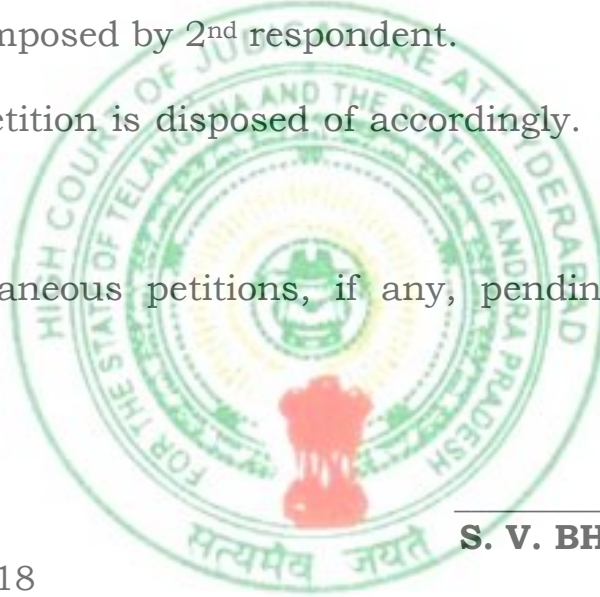
warrant, conduct enquiry or inspect the site and afford opportunity to petitioners and respondent Nos. 3 and 4. Further, parties are given liberty to file copy of this order before the 2nd respondent for timely compliance. The interim order granted by this Court is directed to be maintained for a period of four (04) weeks from today. The 2nd respondent is also given liberty to impose additional conditions, to ensure safety and security of neighbours in the locality. Respondent Nos.3 and 4 shall undertake the construction subject to such conditions imposed by 2nd respondent.

Writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 19.03.2018

Note:
CC in ten days
(B/o) dv



S. V. BHATT, J

