

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7317 OF 2017

ORDER:

Heard learned counsel for the petitioner.

It is the case of the petitioner that the third respondent constructed cellar plus five floors in an extent of 125 square yards of plot bearing No.7-1-277/242, Housing Board No.326/C, and noticing the said construction, the petitioner gave a complaint on 21.10.2016 to the first respondent and also gave another complaint on 08.11.2016 to the second respondent. The third respondent appears to have filed O.S.No.1293 of 2016 on the file of the VI Junior Civil Judge, City Civil Court, Hyderabad, for permanent injunction and filed I.A.No.389 of 2016 for temporary injunction. The said suit was filed apprehending demolition of the building, which was constructed as per Permit No.49085/DC/CZ/Cir-10/2016, dated 30.03.2016. But, the civil Court passed an order on 02.06.2016 granting *status quo* until filing of the counter by the second respondent. Later on, the suit was dismissed on 17.10.2016. The petitioner again gave a complaint on 15.02.2017 and when no action was taken by the second respondent, the present writ petition was filed.

Learned counsel appearing for the third respondent submits that the construction was made as per the building permit sanctioned by the second respondent Corporation, but no counter affidavit was filed to that effect.

In the circumstances, the writ petition is disposed of directing the second respondent to inspect the premises of the third respondent along with the record available with them and if the construction of the third respondent is as per the building permission, no action need be taken. If the construction is made in violation of the building permission sanctioned, the second respondent shall take appropriate action in accordance with law within a period of three months from the date of receipt of a copy of this order, after giving due notice to the petitioner as well as the third respondent.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

16.04.2018
pln

