

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.15312 OF 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the grievance of the petitioner is in regard to the inaction of the respondents 2 to 4 in restraining the 5th respondent from undertaking drilling, excavation and quarrying of rock works during night time with use of heavy machinery in the land situated at Sy.No.403/1 (Old) and 120 (New) of Shaikpet Village and Sy.No.102/1 of Hakimpet Village, abutting the petitioner's house located at Plot No.965, Road No.48, Jubilee Hills, Hyderabad – 500 033.

2. I have heard the submissions of Sri Challa Gunaranjan, learned counsel for the petitioner, and of the learned Government Pleader for Home (TG), appearing for the respondents 1 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that the only grievance of the petitioner is regarding execution of the drilling and quarrying of rock works during night time.

4. Sri C.V.R.Rudra Prasad, learned counsel appearing for the 5th respondent Society, submits that an undertaking affidavit was also filed before the Registry by the Secretary of the 5th respondent Society undertaking not to use heavy machinery during night time for drilling, excavation and quarrying of rocks from the subject property, which is abutting to the house of the petitioner. He further submits that the work is undertaken only in the interests

of the members of the Society and that the Society and its office bearers would abide by the undertaking affidavit given by the secretary of the 5th respondent Society.

5. The submissions of the learned Government Pleader for Home are also heard. Learned Government Pleader submits that the complaint of the petitioner is received by the police officer concerned.

6. At the hearing, learned counsel for the petitioner submits that if the work complained of is not undertaken by 5th respondent Society during 7:00 P.M. to 7:00 A.M., the ends of justice would be met.

7. Recording the submissions, the Writ Petition is disposed of directing the 5th respondent Society not to undertake the work complained of between 7:00 P.M. to 7:00 A.M. The undertaking affidavit given by the Secretary of the 5th respondent Society is taken on record. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 30.04.2018
AMD

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