

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

WRIT APPEAL NO.693 OF 2018

JUDGMENT:

Heard Sri Vedula Venkataramana, Learned Senior Counsel appearing on behalf of the appellant and Sri Ch. Siddartha Sharma, Learned Counsel appearing on behalf of Sri T.C.D. Sekhar, Learned Counsel for the respondent-writ petitioner.

This appeal is preferred by the 3rd respondent in the Writ Petition who had purchased a Villa from the respondent-writ petitioner. She is aggrieved by the order passed by the Learned Single Judge, in I.A. No.1 of 2018 in W.P. No.7425 of 2018 dated 16.04.2018, directing the Executive Authority, Kokapet Grampanchayat to execute the directive contained in the letter dated 04.04.2018 issued by the Metropolitan Commissioner, HMDA and report compliance. The appellant herein (3rd respondent) in the Writ Petition claims to be completely unaware of the contents of the letter dated 04.04.2018, as a copy thereof was not made available to her. It is her case that the respondent-writ petitioner, who is the developer, had constructed the cellar; and, since there are certain monetary disputes between them, they have, with a view to coerce the appellant to part with the amounts claimed by them, filed the present writ petition seeking demolition of the cellar portion constructed by them.

While Sri Ch. Siddartha Sharma, Learned Counsel appearing on behalf of the respondent-writ petitioner, would contend that, in the writ affidavit, the respondent-writ petitioner has specifically pleaded that the cellar portion was constructed by the appellant, and not by the respondent-writ petitioner, these are all matters for examination in the Writ Petition, after the respondents therein, including the appellant

herein, file their counter-affidavit. It is necessary to note that the relief sought for in the I.A was only to direct the appellant herein not to carry any construction activity at Villa No.16 at Grand Boulevard, Sy. No.107/A and 107/EE of Kokapet village, Rajendranagar Mandal, Ranga Reddy District pending disposal of the Writ Petition. While the Learned Single Judge may well have been justified in granting the interim relief sought for, the order under appeal goes even beyond the relief sought for in the I.A.

On this short ground, the order under appeal is set aside; and, instead, the appellant herein is directed, pending further orders in the Writ Petition, not to carry on any further construction in Villa No.16 Grand Boulevard. Respondents 2 and 4 shall ensure that the 3rd respondent does not make any further construction. The order now passed by us shall be the interim order in I.A. No.1 of 2018. The Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

Date: 02.05.2018
MRKR