

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18116 of 2018

ORDER:

Heard Sri S.Satyam Reddy, learned Senior Counsel appearing for Smt.K.V.Rajasree, learned Counsel for the petitioner, the learned Standing Counsel for the respondents No.1 and 2, Sri N.Ashok Kumar and Sri P.Achyutham Reddy for respondents No.3 and 4.

The alleged inaction on the part of the respondents No.1 and 2 in initiating action against respondents No.3 and 4 by restraining them from undertaking alleged illegal construction of the building bearing H.No.4-2-786, 787/2 (old No.4-2-786/787) situated at Ramkote, Hyderabad, is under challenge in the present Writ Petition.

According to the petitioner, he and his mother and brother are the absolute owners and possessors of the house bearing H.No.4-2-791, situated at Ramkote, Hyderabad. It is further stated that in the last week of April, 2018, respondents No.3 and 4, claiming to be the owners of H.No.4-2-786, 787/2 (old No.4-2-786/787), situated at Ramkote, Hyderabad, which property is adjacent to the property held by them had started construction of a building without obtaining necessary permission/sanction from respondents No.1 and 2. It is further stated that despite the same being brought to the notice of respondents No.1 and 2, no action has been taken.

Counter affidavit, deposed by respondents No.1 and 2, is filed stating that respondents No.3 and 4 started fresh construction work by digging the ground for erection of RCC Columns for ground floor illegally and unauthorizedly and without obtaining the building permission, as required under Sections 428 and 433 of the GHMC Act on 07.05.2018. In response to the same, the respondent Nos.3 and 4 submitted a reply duly enclosing copy of the interim injunction order,

dated 04.05.2018, by the IV-Junior Civil Judge, City Civil Courts, Hyderabad, by misrepresenting the Court that they are making repairs to their existing building and by taking advantage of the injunction orders, respondent Nos.3 and 4 have been proceeding with further construction work and in the meanwhile, the petitioner approached this Court by filing the present Writ Petition.

During the course of arguments, it is also brought to the notice of this Court that the petitioner approached the Civil Court with an application to implead and vacate the interim injunction order. It is also submitted by the learned Counsel that the Corporation has also filed counter and vacate application in the injunction application. It is also brought to the notice of this Court that interim orders have been extended and the matter stands posted to August, 2018.

In view of the above reasons and keeping in view of the submissions of the learned Senior Counsel and the learned Counsel for the R.3 and R.4, this Court deems it appropriate to dispose of the Writ Petition, keeping it open for the parties to pursue the above proceedings pending before the Civil Court. It is needless to observe that on the basis of the orders of the Civil Court, the respondent-Corporation shall take steps, in accordance with law.

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

JUSTICE A.V.SESHA SAI

Date:19.07.2018
RRB/Smr