

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.21951 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking a writ of mandamus declaring the action of the respondents and their subordinates in trying to demolish the structure being raised by the petitioners *vide* building permit No.2/C24/09433/2018, dated 02.06.2018, over the land in Survey No.38, admeasuring 500 square yards, situated at Shamshiguda Village, Kukatpally Mandal, without following the procedure contemplated under law as illegal, arbitrary, unjust, unconstitutional and violative of principles of natural justice. A consequential direction to the respondents not to demolish or interfere with the construction activities of the petitioners over the subject property, without following the procedure established by law, is also sought.

2. I have heard the submissions of Sri *Mohd. Moin Ahmed Quadri*, learned counsel appearing for the petitioners, and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel for the petitioners submits that the petitioners, having obtained the building permission, are proceeding with the constructions, in accord with the permission granted, without making any deviations and that despite the said fact, the respondent authority and its subordinate staff are interfering with

such constructions, that too without following the procedure established by law and, hence, the present writ petition is filed.

4. Learned Standing Counsel for the Municipal Corporation appearing for the respondents 1 to 3 would submit that the 2nd respondent authority and its officers would follow the procedure established by law in the matter.

5. Recording the submissions, the Writ Petition is disposed of directing the respondent authorities and their staff not to interfere with or demolish the constructions being made by the petitioners in the subject property, in accordance with the building permission granted. It is needless to state that in the event any constructions are made or being made contrary to the building permission, the respondent authority and its officers are at liberty to proceed in the matter as per law, however, in strict accordance with procedure established by law. There shall be no order as to costs.

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

M.SEETHARAMA MURTI, J

Date: 28th June, 2018

Note: Issue C.C. by tomorrow.

(B/o.)
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