

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25723 OF 2009

ORDER :

Inaction on the part of the 1st respondent in demolishing the illegal construction of the room made by the 2nd respondent in cellar area of H.No. 12-6-2/266, Gayatri Sadan, Shivalayam Lane, Kukatpally is questioned in this Writ Petition.

Petitioner claims to be the flat owner in the above-said property, having purchased the same from the 2nd respondent, under a valid sale deed. While things stood thus, the 2nd respondent, in an arbitrary manner, without obtaining permission from the 1st respondent Municipality, constructed a room in the common cellar, admeasuring 369 square feet. It is the case of the petitioner that he along with other flat owners made a representation to the 1st respondent, on 31.10.2004, to demolish the constructed room, since the 2nd respondent had sold away all flats, the purchasers – flat owners are the rightful owners of the said property. However, the 1st respondent did not take any action thereon. Hence, the petitioner and others filed Writ Petition No. 21907 of 2004 seeking a direction to the 1st respondent to dispose of the representation dated 31.10.2004. By order dated 30.11.2004, this Court directed the 1st respondent to dispose of the representation, duly following the principles of natural justice. Despite the same and in spite of dismissal of the suit filed by the 2nd respondent, no action has been taken against him.

Today, when the matter is taken up, learned Standing Counsel for the respondent Municipality, while placing on record the notices dated 07.08.2018 and 14.08.2018 issued to the owner

of the subject premises, submits that since no reply was received thereto, demolition of the room was carried out by the authorities on 30.08.2018. Learned Standing Counsel has also placed on record the copies of photographs, evidencing the same.

When queried by the Court as to whether entire unauthorised construction has been demolished or only a part of it, learned counsel submits that the entire illegal construction has been removed. The submission of the learned Sanding Counsel is made part of the record.

In view of the same, since the grievance of the petitioner stands redressed, the Writ Petition is closed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

27th September 2018

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CHALLA KODANDA RAM, J

