

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.27758 of 2009

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 15.05.2009 and take appropriate action for demolition of the illegal constructions made by the 3rd respondent.

It is the case of the petitioner that his father had several movable and immovable properties. After death of his father, as his brothers and sisters refused to give his share, the petitioner filed O.S.No.2142 of 1965 before the IX Senior Civil Judge, City Civil Court, Hyderabad, for partition and the same is pending. When the 3rd respondent, who is his brother, is demolishing the petrol pump and changing the nature of the subject property, the petitioner filed I.A.No.69 of 2009 for injunction restraining the 3rd respondent therefrom and the said application was allowed on 24.3.2009. In spite of the said injunction order, when the 3rd respondent is still proceeding with the construction, he filed representation on 13.5.2009 before the respondent-Corporation. But, no action has been taken so far. Hence, the Writ Petition is filed.

In the counter-affidavit filed by the 3rd respondent, it is specifically stated that the 3rd respondent had taken permission from the authorities concerned, the structures raised by him are within the permissible limits and if any permission is required, he will approach the Greater Hyderabad Municipal Corporation under Section 455-A of the Greater Hyderabad Municipal Corporation Act, 1955.

Learned counsel appearing for the 3rd respondent contends that there are disputes between the petitioner and the 3rd respondent and the constructions alleged to have been raised by the 3rd respondent are prior to filing of the writ petition.

Learned Standing Counsel appearing for respondents 1 and 2 submits that notice has been issued to the 3rd respondent with regard to the structures alleged to have been raised by him and after considering the objections, if any, put-forth by the 3rd respondent, necessary action would be taken in accordance with law.

In these circumstances, the Writ Petition is disposed of directing respondents 1 and 2 to conduct enquiry pursuant to the notice said to have been issued by them and take appropriate action in accordance with law, within a period of

four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE CHALLA KODANDA RAM

12th July, 2018
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