

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.44464 OF 2016

ORDER:

No representation for petitioner. Heard Mr.SSrinivasa Sharma for respondent No.8.

The petitioner prays for Mandamus declaring the action of respondent Nos.1 to 7 in not considering petitioner's representation dated 14.12.2016 and not taking action against illegal construction allegedly raised by respondent No.8 in H.Nos.16-2-535 and 536 of Osmanpura, Malakpet Paltan, Hyderabad, as illegal, unconstitutional and contrary to the provisions of the GHMC Act.

On 21.12.2016, this Court directed respondent No.5 to ensure that respondent No.8 does not undertake further construction. Respondent No. 8 filed counter affidavit and submitted that it is not a case of constructing a multi level house or apartment, but respondent No.8 used to stay in a tiled house which was dilapidated and not fit for habitation and respondent No.8 is merely putting asbestos sheets and two small shutters for which no permission is necessary.

I have perused the photographs filed along with the vacate stay petition and this Court is of the view that the petitioner has mixed up the alleged construction by respondent No.8 and also the inaction in disposing of the representation filed by petitioner. These two aspects can be segregated and accordingly by segregating both the prayers, the writ petition can be disposed of as follows:

The respondents are directed to consider and dispose of the representation dated 14.12.2016 filed by petitioner after affording opportunity to respondent No.8 within eight weeks from the date of receipt of copy of this order.

Respondent No.8 since has substantially completed the construction, he is given liberty to complete the construction shown as one of the annexures in the vacate stay petition, however, the construction or completion is subject to further orders the respondents would be passing in this behalf.

The writ petition is, accordingly, disposed as indicated above.
There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

27th April, 2018

Lrkm



S.V.BHATT, J