

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41925 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to issue an appropriate writ of *Mandamus* declaring the action of the 4th respondent in trying to interfere with the construction work at the site of the petitioners viz., premises bearing H.No.7-4-400/1/H/3/A, Plot No.1 (Southern Portion) and Plot No.2 (Northern Portion), total admeasuring 168.5 Sq.Yards or 140.88 Sq.Mtrs in Sy.No.65 situated at Ferozguda Village, Balanagar Mandal, Medchal, despite the fact that the constructions are being made without violating the building permit as illegal, arbitrary, unconstitutional and violative of Articles 14, 21 & 300-A of the Constitution of India & principles of natural justice and consequently direct the respondents 2 to 4 not to interfere with the said construction work, which is in progress at the aforestated site.

2. I have heard the submissions of the learned counsel for the petitioners; of learned Government Pleader for Municipal Administration and Urban Development (TG), appearing for 1st respondent, and of Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, appearing for the respondents 2 to 4. I have perused the material record.

3. At the hearing, learned counsel for the petitioners submits that the petitioners are making constructions in the subject site as per the building permit and that the 4th respondent is interfering

with the constructions without any manner of right though the constructions are being made without any deviations from the building permit. He further submits that such interference is being caused at the instance of the 5th respondent, who is a rowdy sheeter.

4. Learned Standing Counsel appearing for respondents 2 to 4 submits as follows: 'The petitioners are constructing pillars in the subject premises. The said construction is a violation of the building permit. There is also a set back violation. Before taking any action, the respondents 2 to 4 will follow the procedure established by law.'

5. Recording the submissions, the Writ Petition is disposed of directing the respondents 1 to 4 not to interfere with the construction activity of the petitioners except by following the procedure established by law.

There shall be no order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

Date: 20.11.2018
AMD

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.41925 OF 2018

DATE: 20.11.2018

AMD