

THE HONOURABLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.1636 of 2016

ORDER:

The prayer sought for in this writ petition is as under:

“To issue appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent Nos. 2 to 5 for not stopping the illegal construction of the respondent No.6 without any title or construction permission on the public road in D.V. Colony, Secunderabad-03 as arbitrary, illegal, colourable exercise of power and violative of fundamental rights guaranteed under Articles 19 and 21 of the Constitution of India”.

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent No.2-Corporation and learned counsel for the 6th respondent.

The facts of the case are that the petitioner herein is the Director of M/s Viswaroop Builders and Developers Private Limited. The said company owns an extent of 500 square yards of land in premises bearing H.No.2-3-528, D.V. Colony, Secunderabad. In the said property, the company has constructed residential apartments after obtaining approval from the respondent Nos. 2 to 4. The respondent No.6, with his

political influence, is trying to grab the public road on Southern side in connivance with the local Minister. The respondent No.6, by taking advantage of G.O.Ms.No.151, dated 2.11.2015, started construction on 15.01.2016 by deputing the labour and by damaging the concrete road with an intention to construct a house without any plan or approval from the respondents 2 to 4. In that connection, the petitioner submitted a representation to the respondent Nos. 2 to 5 on 16.01.2016 mentioning about the said illegal constructions carried on by the respondent No.6. Since no action is being taken by the respondent Nos. 2 to 4 so far, the present writ petition is filed.

Per contra, the learned counsel appearing for the respondent No.6, would submit that he is not making any constructions on the road portion.

Be that as it may, pursuant to the complaint lodged by the petitioner herein, the respondent No.2-Corporation have issued a notice calling upon the respondent No.6 to produce the relevant documents pertaining to the said construction. Accordingly, he has submitted his explanation enclosing all the relevant documents. Since the matter is already seized of by the respondent No.2- Corporation and as per the instructions of the respondent No.2-Corporation, the construction activity is also stopped.

On the other hand, respondent Nos. 2 to 4 have also filed a counter affidavit stating that pursuant to the complaint given on 16.01.2016 by the petitioner herein and also on the complaint, dated 18.01.2016 by the Sub Inspector of Police, Ramgopalpet Police Station, the respondent No.2-Corporation have issued notice *vide* proceedings No.1801/TPS/C-18/NZ/GHMC/2016, dated 18.01.2016 directing the respondent No.6 to stop further construction work in the site under reference and further to produce a copy of the sanctioned plan for verification within seven (7) days, failing which, the construction will be treated as unauthorised construction and further action will be initiated as per the provisions of the Greater Hyderabad Municipal Corporation Act, 1955. Pursuant to the said notice, it is represented by the learned counsel for the respondent No.6 that an explanation dated 25.01.2016 is submitted to the respondent No.2-Corporation and the same is pending consideration.

Taking into consideration the submissions made by the respective counsel as well as the counter affidavit filed on behalf of the respondent Nos. 2 to 4, this Court feels that the writ petition can be disposed of with a direction to the respondents 2 to 4 to pass appropriate orders pursuant to the explanation submitted by the respondent No.6, within the stipulated period.

Accordingly, the writ petition is disposed of directing the respondent No.2-Corporation to consider the explanation dated 25.01.2016 submitted by the respondent No.6 in reply to the notice dated 18.01.2016 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. It is needless to observe that until the final orders are passed, the respondent No.6 is directed not to undertake any construction activity in the subject property.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 24.04.2018
slk



P.KESHAVA RAO, J

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