

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.44680 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking verbatim the following relief:

‘..to issue an order or direction or Writ more particularly one in the nature of Writ of Mandamus

(i) declaring the action of the Respondent Nos.2 to 4 in not restraining the Respondent Nos.5 to 7 from making any construction in Plot Nos.69/North and 69/South in Sy.No.58/P & 15/P of Green Lands Colony, Road No.5 of Green Lands Colony, Road No.5, Rajeev Shetty Nagar, Karmanghat, Hyderabad, without leaving the setbacks and without obtaining the building permission, as arbitrary, illegal, violative of provisions of Greater Hyderabad Municipal Corporation of Act, Byelaws and Rules made thereunder and violative of Article 14 & 21, 300A of Constitution of India.

ii) direct the respondent Nos.1 & 4 to permanently restrain the Respondent Nos.5 to 7 from making any construction in Plot Nos. 69/North and 69/South in Sy.No.58/P & 15/P of Green Lands Colony, Road No.5 of Green Lands Colony, Road No.5, Rajeev Shetty Nagar, Karmanghat, Hyderabad, without leaving the setbacks and without obtaining the building permission, in the interest of justice and pass such other order(s) in the circumstances of the case..

iii) costs be awarded and pass such other order(s) as may be deem fit proper in the circumstances of the case.’

The grievance and submissions of the petitioner are as follows: ‘The respondents 5 to 7 are making constructions illegally and unauthorisedly in plot Nos.69/North and 69/South in Sy.No.58/P & 15/P of Green Lands Colony, Karmanghat, Hyderabad; such constructions are being made without leaving any set backs and without obtaining building permits; the respondents 1 to 4 have not taken any action despite a representation, dated 04.12.2017, given by the petitioner in that regard.’

Learned standing counsel appearing for the respondents 2 to 4, on instructions, would submit that the 5th respondent, through her GPA holder-7th respondent, applied for building permission for constructions on the subject plots and that the building permission insofar as plot No.69/North is rejected and that on inspection it is noticed that constructions are being made on the plot for which the building permission is rejected and that action has already been initiated by issuing notices to the respondents 5 to 7 and that the respondents 2 to 4 would follow the procedure established by law against the constructions, if any, being illegally made by the respondents 5 to 7 in the subject plots.

Recording the afore-said submissions, the Writ Petition is disposed of directing the respondents 1 to 4 to consider the representation, dated 04.12.2017, of the petitioner and pass appropriate orders, within four (04) weeks from the date of receipt of a copy of this order, in strict accordance with the procedure established by law, however, after affording an opportunity of being heard to the petitioner as well as the respondents 5 to 7. In the meanwhile if it is noticed that the said respondents are making constructions in plot No.69/South in deviation of building permit, if any, the respondents 1 to 4 shall forthwith stop such constructions and take necessary action by following the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

04.01.2018

Vjl