

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.44790 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondent Nos.2 to 4 in taking action for preventing unauthorized constructions undertaken by Respondent No.5 in the 15 feet wide public road/common passage situated on the southern side of the petitioner's house plot bearing No.12-1-325/J/2 at Asifnagar, Hyderabad being used by the residents of the locality for ingress and egress to the House Plot No.12-1-325/J/2 inspite of the representations dated 28.10.2017, 28.11.2017 and 04.12.2017 as illegal, arbitrary, unconstitutional and contrary to Sections 452, 461 & 636 of Greater Hyderabad Municipal Corporation Act and in violation of principles of natural justice and pass such other order and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Smt.A. Chaya Devi, learned counsel for the petitioner and of Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC appearing for respondents 1 to 4. I have perused material record.

3. The grievance of the petitioner is that the fifth respondent is making illegal and unauthorized constructions on a plot situated to the southern side of his house plot and that such constructions are blocking access from the road to the plot of the petitioner and that when he made applications for building permit, the fifth respondent continuously put spokes and eventually, the building permit was granted subject to certain riders and that in view of the inaction of respondents 1 to 4 in proceeding against the illegal and unauthorized constructions undertaken by the fifth respondent despite the representations, dated 20.10.2017, 28.11.2017 and 04.12.2017, given by the petitioner, the present writ petition is filed.

4. Learned counsel for the petitioner would submit that if a direction is given to the official respondents to consider and

dispose of the representations of the petitioner within a time frame and to initiate action against the illegal and unauthorized constructions made by the fifth respondent by following procedure established by law, the ends of justice would be met and the grievance of the petitioner stands redressed.

5. Learned Standing Counsel appearing for respondents 1 to 4 endorses the said submission *inter alia* stating that the officials concerned would take appropriate action in accordance with law.

6. Recording the above submissions, the Writ Petition is disposed of directing the third respondent – the Deputy Commissioner, Greater Hyderabad Municipal Corporation, to consider and dispose of the representations, dated 28.10.2017, 28.11.2017 and 04.12.2017, of the petitioner in strict accordance with procedure established by law within four weeks from the date of receipt of a copy of this order, however, after affording an opportunity of hearing to the petitioner as well as the fifth respondent and communicate the decision taken thereon to the petitioner within a week thereafter. It is made clear that if it comes to the notice of respondents 1 to 4 that the constructions made and are being made by the fifth respondent are illegal and unauthorized, the said respondents shall taken action against such constructions by following the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 05.01.2018

Note: Issue CC in three days

B/o

va