

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.1997 OF 2019

ORDER

The grievance of the petitioner is that unofficial respondents 6 and 7 made construction of ground plus four floors in Pr.No.19-1-914/20, Muralinagar, Bahadurpura, Hyderabad on the western side of his property, by encroaching his property as well as public road, without any permission and that though he made representations on 11-10-2018 and 24-11-2018, official respondents 2 to 5, failed to take any action. Hence, the present writ petition.

Heard the learned counsel for the petitioner, Sri Pasham Krishna Reddy, learned Standing Counsel for the Municipal Corporation and the learned Government Pleader for Municipal Administration.

From the material papers filed along with the writ petition, petitioner filed letter in Lr.No./TPS/Cir.10/GHMC/2018 dated 08.11.2018 of the Assistant City Planner, Circle No.10 GHMC, addressed to him in pursuance of his representation dated 11.10.2018. The relevant portion of the said letter reads as under:

"In this regard, it is to submit that the site has been inspected and found that the building constructed about 4 years back and presently occupied. The occupants have been issued a letter with a direction to submit the permission details, any other documents, related to the property, so as to take further necessary action. In respect of property tax issues you are requested to approach the Deputy Commissioner, GHMC for your claim. With regard to illegal water and electrical connections, you are requested to approach the concerned authorities. So far no documents received from the occupiers. As soon as receipt of the details, the matter will be examined, necessary action be initiated as per rules."

From the above communication, it is clear that respondents have already responded to the representation of the petitioner and initiated the process. If the

petitioner is not satisfied with the response of official respondents, he could have invoked the provisions under the Right to Information Act, 2005, (for short 'the Act'), which information could have enabled him to seek appropriate relief before this court or other competent forum, but without availing the same, petitioner straightaway invoked the writ jurisdiction complaining inaction on the part of official respondents, with insufficient details, which cannot be appreciated.

Having regard to the facts and circumstances of the case and the submissions of the respective counsel, writ petition is disposed of leaving it open to the petitioner to avail provisions under the Act and based on the outcome, to seek appropriate relief before the competent authority / forum, pointing out both factual as well as his legal rights, which are being affected in view of the alleged illegal construction and encroachment of unofficial respondents 6 and 7.

Interlocutory applications pending, if any, shall stand closed. No costs.

CHALLA KODANDA RAM,J

DATE:04—02—2019

AVS