

HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.9768 of 2019

ORDER :

This writ petition is filed seeking Mandamus declaring the action of the respondents in not considering the representations dt.19.03.2019, 11.03.2019, 16.02.2019 and 15.07.2018 of the petitioners, as arbitrary and violative of Articles 14, 19, 21 and 300-A of the Constitution of India, and consequently sought a direction to the respondents to consider the said representations and take necessary action in accordance with law.

The petitioners are owners of the property bearing H.No.8-2-293/82/A/303/D, admeasuring 1,014 square yards, situated at Jubilee Hills, Hyderabad, and constructed a house therein after obtaining necessary permission from the authorities concerned. On the Eastern side of their house, there is a Green Belt in unlaidd road existing in an extent of 705.56 square yards of land, which is within the jurisdiction of Jubilee Hills Cooperative House Building Society, and the petitioners have obtained no objection from the said Society to continue to grow plants and trees in the said Green Belt.

The grievance of the petitioners is that respondent No.6, who is an adjacent owner, is trying to lay an unauthorised ramp with 50 feet gradient, thereby destroying the Green Belt existing for the last many a decades. Therefore, the petitioners

have represented the matter before the respondents, more particularly before the authorities of Greater Hyderabad Municipal Corporation, by filing several representations dt.15.07.2018, 16.02.2019, 11.03.2019 and 19.03.2019. As there was no response from the said authorities, the petitioners have filed the present writ petition seeking to consider the said representations and pass appropriate orders.

Heard learned counsel for the petitioners and Sri L. Venkateswara Rao, learned Standing Counsel for respondent Nos.2 and 3 – GHMC.

Upon instructions, Sri L. Venkateswara Rao, learned Standing Counsel for the GHMC submits that, though the representations are made in the month of March, 2019 complaining unauthorised laying of ramp by respondent No.6, since no such unauthorised ramp is laid by respondent No.6 till date, it is only a pre-mature writ petition filed under an apprehension and the same is liable to be dismissed. The learned Standing Counsel would further submit that if any such unauthorised construction of ramp is taken up by respondent No.6, the GHMC authorities would immediately initiate appropriate action as contemplated under law to prevent such unauthorised construction.

In view of the said submission, this writ petition is dismissed as pre-mature. However, it is made clear that the petitioners are always at liberty to invoke appropriate remedies

available under law, if any such unauthorised construction takes place in future. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE T. AMARNATH GOUD

01.05.2019.
Msr



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