

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.10117 of 2014

ORDER:

Heard learned counsel for the petitioner as well as respondent Nos.4 to 6.

2. The prayer sought in the writ petition is as under:-

“....to issue a writ, order or direction more particularly in the nature of mandamus declaring the action of the 3rd respondent in issuing the FIR No.174 of 2014 under Sec.336 of IPC and without naming the unofficial respondents as accused is illegal, arbitrary and abuse of the sovereign duty conferred on him by the statute and consequently direct the first to third Respondent to take immediate legal action against the unofficial respondents for proceeding with the construction over the land bearing H.No.3-6-199 situated at Himayathnagar, Besides Minerva Hotel, Hyderabad endangering the lives and properties of the surrounding people in the interest of justice.”

3. Learned counsel appearing for respondent Nos.4 to 6 informs the Court that the building has already been completed and the Greater Hyderabad Municipal Corporation, on inspection, have already issued an Occupancy Certificate indicating that the construction made is in accordance with the Rules and Regulations.

4. In view of the above said submission, this Court is of the opinion that no further cause would survive in the writ petition. However, learned counsel appearing for the petitioner association seeks time to get instructions as to whether any damage is caused to the property of the members of the petitioner association. As far as

that aspect is concerned, the petitioner cannot resort to the jurisdiction under Article 226 of the Constitution of India and remedy lies before a competent civil Court and if the petitioner association intends to pursue the same, it is open for it to initiate civil proceedings.

5. Accordingly, the writ petition is closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No costs.

25th September 2019

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P. KESHAVA RAO, J

