

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

Writ Petition No.16949 of 2019

Between:

Pinja Vinod Kumar

... Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Department of Municipal Administration and
Urban Development,
Secretariat, Hyderabad and another.

... Respondents



THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**Writ Petition No.16949 of 2019****ORDER:**

The petitioner claims to be the owner of the property bearing Municipal No.3-12-122 and 3-12-123 admeasuring 224.74 sq.mts., Ward No.11, Jammanjeety Gally, Armoor Town, Armoor, Nizamabad District.

2. The petitioner applied for building permission and same was granted on 31.08.2017 permitting to construct ground floor with the specifications of set-backs. Alleging that in deviation of the building permission granted to petitioner, petitioner was making illegal construction, Sri Pinja Chinna Bhojanna filed W.P. No.37580 of 2017. This Court by order dt.09.11.2017 directed the 5th respondent therein, who is the petitioner herein, not to make any construction deviating from the approved plan. The respondents 2 and 3 were also directed to take appropriate steps to see that the constructions are made by the 5th respondent in accordance with the approved plan. It appears alleging disobedience of the said orders, petitioner therein filed Contempt Case.

3. This writ petition is filed praying to grant declaration that the 2nd respondent is contemplating to demolish petitioner's house even though valid building permission was granted and that the petitioner has not made any extra construction.

4. What is the nature of the construction made by the petitioner is not brought on record. However, the learned counsel for the petitioner submits that after the interim orders passed by this Court in the earlier writ petition, petitioner stopped making further construction. It appears that the construction already made also is in deviation of the

building permission. However, according to the petitioner, it is only 10%, such deviation is permissible and can be regularized. Without expressing any opinion on the said claim, it is apt to note that direction issued by this Court in W.P. No.37580 of 2017, requires compliance by all and in the process of compliance, if any action is taken in independent proceedings, this Court cannot interfere and injunct such process as it would be amounting to staying the operation of the order passed by another coordinate bench in a different writ petition.

5. In view of the above, I am not inclined to entertain this writ petition. However, it is needless to observe that the Municipal Corporation would follow due procedure whenever any adverse action is required to be taken in compliance of the directions issued by this Court.

6. In the result, this Writ Petition is dismissed. There shall be no order as to costs.

7. As a sequel, miscellaneous applications if any pending, shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 07.08.2019
LSK