

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18594 OF 2019

ORDER:

The petitioners claim to be the absolute owners and possessors of flats in property bearing H.No. 10-2-350, Prasanka Classic Apartments, Asif Nagar, Hyderabad. Their allegation is that the 6th respondent, who is the absolute owner of the said land, is in the process of making construction on the terrace portion of the premises. The petitioners' case is that they are all joint owners and no construction can be made on the terrace portion as it belongs to all the occupants of the premises.

Heard learned counsel for the petitioners.

On the other hand, learned Standing Counsel for the Corporation Sri N. Ashok Kumar opposes the Writ Petition and submits that there is adequate remedy available under the A.P. Apartments (Promotion of Construction & Ownership) Act, 1987, as applicable to the State of Telangana, and since it is only allegation that the 6th respondent is in the process of making construction, the petitioners may seek appropriate remedy before the civil Court.

In view of the specific submission of the learned Standing Counsel, the Writ Petition is disposed of leaving it open to the petitioners to work out the remedy under the provisions of the 1987 Act in the civil Court by seeking appropriate injunctive relief against the 6th respondent as the petitioners / flat owners' rights on the subject premises, under the said Act' are enforceable under civil law. It is also made clear that the respondent Corporation shall not permit any construction to be made without there being

any sanctioned plan or permission. If the construction has already been made, necessary action be taken in accordance with law. No costs.

The miscellaneous Applications, if any stand closed.

CHALLA KODANDA RAM, J

27th August 2019

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