

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19845 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of respondent Nos.2 and 3 in demolishing illegal and unauthorized construction made by respondent No.4 in the petitioner’s land as illegal, arbitrary, against the order of this Hon’ble Court dated 30.08.2017 passed in A.S.No.985/2016 against the building regulations and the same being violative of Articles 14, 19, 21 of the Constitution of India, and direct the respondent Nos.2 and 3 to take action to demolish the illegal and unauthorized construction in the petitioners’ land Sy.No.84 – Ac.0.18 guntas; Sy.No.90-Ac.1.20 guntas; Sy.No.91-Ac.0.38 guntas; Sy.No.99-Ac.1.18 guntas; Sy.No.100-Ac.1.14 guntas; Sy.No.55-Ac.1.29 guntas; Sy.No.38-Ac.1.12 guntas; Sy.No.39 Ac.1.07 guntas; Sy.No.40-Ac.0.36 guntas; Sy.No.41-Ac.0.34 guntas, situated in Attapur Village, Rajendernagar Mandal, Rangareddy District, pursuant to the representation dated 01.08.2019 made to respondent Nos.2 & 3.”

It is the case of petitioners that there is a dispute between the petitioners and the fourth respondent; that on 30.08.2017, there is a status quo order passed by the Division Bench of this Court in AS.MP.No.1964 of 2017 in A.S.No.985 of 2016 and that the fourth respondent is making construction without obtaining any permission from the authorities and in violation of the order passed by the Division Bench of this Court.

Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3 submits that the fourth respondent had not obtained any permission for making construction and that there is no construction made by the fourth respondent.

Having regard to the above and inasmuch as there is an adequate remedy available to the petitioners under Order XXXIX Rule 2A CPC to approach the appropriate forum/authority to complain that the fourth respondent is making construction in violation of the order of status quo passed by the Division Bench of this Court, this Court is not inclined to entertain the Writ Petition.

The Writ Petition is accordingly dismissed.

Miscellaneous Petitions, if any pending, shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

16th SEPTEMBER, 2019.

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