

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.25921 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the above accompanying affidavit, the petitioners herein pray that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus directing the official respondents 2 to 6 to demolish the illegal and unauthorized structures raised by 9th respondent viz., 7 shops encroaching the common parking area on the ground floor and illegal structures on terrace of second floor at M R Complex premises bearing H. No. 5-1-605, 5-1-592/2, 5-1-593, situate at Troop Bazaar, Hyderabad, and filed compliance report within stipulated time and not taking any action against the said illegal structure is as illegal and ultra virus to Articles 14, 21 and 300-A of the Constitution of India besides being in violation of the provisions of the Hyderabad Municipal Corporation Act and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Zulfaquar Alam, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent, Sri N.Ashok Kumar, learned standing counsel representing Greater Hyderabad Municipal Corporation appearing for respondents 2 to 6, learned Government Pleader for Stamps and Registration appearing for respondents 7 & 8 and Sri Deepak Misra, learned counsel appearing for the 9th respondent. Perused the material available on record.

3. It is represented by Sri N.Ashok Kumar, learned standing counsel for respondents 2 to 6 and Sri Deepak Misra, learned counsel for the 9th respondent, that the file pertaining to the subject matter of the writ petition is already pending before the 6th respondent.

4. Since the petitioner is challenging the action of the official respondents in not taking steps against the 9th respondent, this Court feels that the petitioner and the 9th respondent be heard by the 6th respondent-Assistant City Planner, Greater Hyderabad Municipal Corporation, Hyderabad, and appropriate orders are passed, in accordance with law, after giving opportunity to both sides.

5. With the above direction, the Writ Petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

T. AMARNATH GOUD, J

Date: 10th December, 2019

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