

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION Nos.16391 of 2019 & 26555 of 2019

COMMON ORDER:

As the subject matter in both the writ petitions is one and the same, with the consent of learned counsel for both sides, both the writ petitions are disposed of by way of a common order.

2. Heard Sri T.Sudhakar Reddy, learned counsel appearing for the petitioner in W.P.No.16391 of 2019 and the 6th respondent in W.P.No.26555 of 2019, Sri P.Vinod Kumar, learned counsel appearing for the petitioners in W.P.No.26555 of 2019, learned Government Pleader for Municipal Administration and Urban Development for the 1st respondent in W.P.No.26555 of 2019 and Sri Pasham Krishna Reddy, learned standing counsel for Greater Hyderabad Municipal Corporation appearing for respondents 2 to 5 in W.P.No.26555 of 2019. Perused the material available on record.

3. W.P.No.16391 of 2019, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore 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 on the part of the respondents 1 to 3 for not taking action on the representation submitted by the petitioner on 15.7.2019 for the unauthorized and illegal construction is carrying on in set-back area by the

respondents 4 to 7 in premises bearing H.No.36305/7 in Plot No. 80, Avanthi Nagar, Hyderguda, Basheerbagh, Hyderabad is illegal, arbitrary, unconstitutional and violative of Article 14 and 21 of the Constitution of India, consequently direct the respondents 1 to 3 to take immediate action on the representation submitted by the petitioner on 15.7.2019 for the removal of unauthorised and illegal construction which is carrying on by the respondents 4 to 7 in set-back area in premises bearing No. 3-6-305/7 in Plot No. 80, Avanthi Nagar, Hyderguda, Basheerbagh, Hyderabad, and pass such other and further order or orders deemed fit and proper in the interest of justice.”

4. W.P.No.26555 of 2019, under Article 226 of the Constitution of India, is filed by the petitioners, who are respondents 4 to 7 (3rd petitioner being the son of the 5th respondent) in W.P.No.16391 of 2019, seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that the Hon’ble High Court may be pleased to issue a writ, order or direction, one in the nature of WRIT OF MANDAMUS, declaring the action of the 4th Respondent issuing impugned notice 305/ACP/TPS/C16/GHMC/2019 dated: 27.11.2019, pending appeal before the 1st Respondent dated: 18.11.2019, illegal, arbitrary, and just and set-aside the same and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

5. The grievance of the petitioner in W.P.No.16391 of 2019, who claims to be the neighbour of the petitioners in W.P.No.26555 of 2019, is that unauthorized and illegal constructions are being taken up by respondents 4 to 7, who are petitioners in W.P.No.26555 of 2019, in premises bearing H.No.3-6-305/7, in Plot No.80, Avanthi Nagar, Hyderguda,

Basheerbagh, Hyderabad. Hence, the petitioner filed the W.P.No.16391 of 2019 seeking removal of the unauthorized and illegal construction, being carried on by respondents 4 to 7 and to consider his representation, dated 15.07.2019.

6. Mr. P.Vinod Kumar, learned counsel for the petitioners, and Mr.Pasham Krishna Reddy, learned standing counsel appearing for respondents 2 to 5 in W.P.No.26555 of 2019, submit that the subject matter is *sub-judiced* before the appellate authority and the appeal is pending before the Director & Commissioner, Appellate Committee, Municipal Administration & Urban Development Department, Government of Telangana, Hyderabad, 1st respondent in W.P.No.26555 of 2019, dated 18.11.2019, wherein the petitioners in W.P.No.26555 of 2019 have challenged the Intimation Letter bearing No.2000055299/ACP/TPS-16/GHMC/2019, dated 15.11.2019, issued by the Deputy Commissioner, Circle No.16, GHMC, pointing out certain deviations in the sanction plan and the construction made by the petitioners in W.P.No.26555 of 2019.

7. Having regard to the facts and circumstances of the case and having regard to the submissions made by learned counsel for both sides, both the Writ Petitions are disposed of directing the Director & Commissioner, Appellate Committee, Municipal Administration & Urban Development Department, Government

of Telangana, Hyderabad, 1st respondent in W.P.No.26555 of 2019, to decide the appeal, as expeditiously as possible, in accordance with law, after affording an opportunity to both sides. 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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