

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.46498 of 2018

ORDER

This writ petition is filed seeking to declare the action of respondents in disconnecting the water supply connection and trying to disconnect the sewerage lines to the premises of the petitioners bearing No.6-2-962 situated at Riyasath Manzil, Khairatabad, Hyderabad, as illegal and arbitrary.

2. Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, learned Standing Counsel for respondents 2 and 3, learned Government Pleader for Home for respondent No.4 and Sri G.M.Mohiuddin, learned counsel for respondents 5 and 6.

3. Learned counsel for the petitioners would submit that though respondents 5 and 6 are not in possession of the subject property and a civil suit is pending with regard to the said property, construction permission was granted in favour of respondents 5 and 6 on 17.07.2018 by the Greater Hyderabad Municipal Corporation and that the respondents have illegally disconnected the water connection and sewerage lines to the subject property where the petitioners are residing. He would further submit that when respondents 5 and 6 tried to encroach upon the said property, the petitioners made a complaint to the police and FIR was also registered against them on 28.11.2018.

4. Learned Standing Counsel for respondents 2 and 3 seeks time to file counter.

5. Learned counsel appearing for respondents 5 and 6 also seeks time to file counter. He would submit that as the civil suit is pending, this writ petition is not maintainable. He would further submit that permission was granted in favour of respondents 5 and 6 after verification of the claim made by them, which is in order.

6. At the out set, it may be noted that the petitioners have not impleaded the Greater Hyderabad Municipal Corporation represented by its Commissioner, as party respondent. In those circumstances, the relief claimed by them for cancellation of the permission dated 17.07.2018 cannot be granted. Further, as per the record, suit in O.S.No.803 of 2018 is pending on the file of the II Senior Civil Judge, City Civil Court, Hyderabad. Therefore, without expressing any opinion on merits of the matter, liberty is given to the petitioners to approach the appropriate authority challenging the construction permission granted to respondents 5 and 6.

7. With the above observation, the Writ Petition is closed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

22nd January, 2019

sj