

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition Nos.11633 & 10248 of 2020

COMMON ORDER:

Since the issue involved in both these writ petitions is one and the same, they are being heard together and disposed of by way of this Common Order.

W.P.No.10248 of 2020 is filed seeking writ of mandamus declaring the action of the 2nd respondent in granting permission vide File No.1/C14/02223/2020, dated 01.07.2020 in favour of the respondents 5 & 6, without considering the specific objections of the petitioner with regard to title of the known as Devdi Begum Bazar bearing door No.881 (old) New-15-7-391, 392/A, 393, 394, 395, 396, 297, 398, 399 and 401, situated at Begum Bazar, Hyderabad (subject property) as directed by this Court in W.P.No.7707 of 2020 on 08.06.2020, as illegal and arbitrary.

W.P.No.11633 of 2020 is filed seeking writ of mandamus declaring the inaction of the respondent Nos.2, 4 and 6 in preventing the respondents 7 and 8 from proceeding with the illegal construction in respect of subject property with attached mulgies, in view of the suspension of building permission as illegal and arbitrary and consequently to direct the respondents to stop illegal construction in respect of the subject property.

Heard Sri Swaroop Oorilla, learned counsel for the petitioner, Sri Neeli Ashok Kumar, learned Standing Counsel for the respondents 2 to 4-Greater Hyderabad Municipal Corporation and Sri Ghanta Rama Rao, learned Senior Counsel appearing for Sri Mohd.Islamuddin Ansari, learned counsel for

the 6th respondent in W.P.No.10248 of 2020, Sri P.Vamsheedhar Reddy, learned counsel for the petitioner and Sri A.Bhaskara Chary, learned counsel for respondents 7 and 8 in W.P.No.11633 of 2020.

Sri Neeli Ashok Kumar, learned Standing Counsel for GHMC as well as Sri Ghanta Rama Rao, learned Senior Counsel submits that the alleged permission vide proceeding in File No.1/C14/02223/2020, dated 01.07.2020, which is challenged in W.P.No.10248 of 2020 has not been granted by the GHMC to any of the parties, as such, W.P.No.10248 of 2020 is a premature litigation. They also submit that the Commissioner, GHMC, has given a date for hearing the objections of the parties as directed by this Court in W.P.No.7707 of 2020 by order dated 08.06.2020. Meanwhile, the petitioner in WP No.10248 of 2020 is filed, which is not maintainable.

Sri P.Vamsheedhar Reddy, learned counsel for the petitioner in WP No.11633 of 2020 submits that though the proceedings dated 01.07.2020 of the Commissioner, GHMC, are suspended by this Court, yet the parties are making the construction.

Sri Neeli Ashok Kumar, learned Standing Counsel for GHMC submits as on today, no permission is granted to any of the parties and only date is fixed for hearing the objections.

This is a classic example where the parties are fighting for a child, yet to be born and it appears that the municipal corporation in anxiety prepared an order before the objections are heard. Except that there is no serious *lis* pending in these writ petitions.

However, as all the learned counsel agreed that the writ petitions can be disposed with the following directions.

Since as on today, there is no permission granted in favour of any of the parties by GHMC, the parties cannot proceed from making further constructions in respect of the subject property, till the objections are considered and a decision is taken by the Commisioner-2nd respondent for granting permission, as directed in W.P.No.7707 of 2020, within a period of three weeks from the date of receipt of a copy of this order. It is open for the parties to raise all objections before the 2nd respondent.

With the above direction, these writ petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

A.RAJASHEKER REDDY, J

Date:07.09.2020
kvs/tk

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