HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY ,THE TWELFTH DAY OF JUNE
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 25239 OF 2019

Between:

1. Smt. Babita Agarwal, W/o. Sri Mahesh Agarwal, aged about 46 years Occ. business, R/o. Flat No.502, Legend Siddhi 3-6-465, Street No.5, Himayatnagar, Hyderabad - 029.
2. Sri Mahesh Agarwal, S/o. Sri Bhagwandas Agarwal, aged about 50 years Occ. business, R/o. Flat No.502, Legend Siddhi 3-6-465, Street No.5, Himayatnagar, Hyderabad -029.

...PETITIONERS

AND

1. The State of Telangana, represented by its Principal Secretary Municipal Administration department Secretariat Building, Hyderabad.
2. Greater Hyderabad Municipal Corporation, represented by its Commissioner Tank Bund Road, Hyderabad.
3. Greater Hyderabad Municipal Corporation, represented by its Deputy Commissioner Circle XIV, Abids, Hyderabad.
4. Sri Ram Prakash Nagla, S/o. late Sri Bhagirath Nagla, aged about 51 years Occ. business, R/o. 14-2-165 and 166 Shah-Inayat Gunj, Hyderabad - 500 012.
5. Smt. Anitha Nagla, W/o.Sri Ram Prakash Nagla, aged about 46 years Occ . household, R/o. 14-2-165 and 166 Shah-Inayat Gunj, Hyderabad - 500 012.
6. Sri Kishan Nagla, S/o. Sri Ram Prakash Nagla, aged about 22 years Occ. business, R/o. 14-2-165 and 166 Shah-Inayat Gunj, Hyderabad - 500 012.
7. Sri Deepak Nagla, S/o. Sri Om Prakash Nagla, aged about 25 years Occ. business, R/o. 14-1-162, Chaknawadi Ghoshamahal, Hyderabad - 500 012.
8. Sri Suresh Kumar Vyas, S/o. Sri Chandmal Vyas, aged about 37 years Occ. business, R/o.14-2-190/A and 194 Shah-Inayath Gunj, Hyderabad - 500 012.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an Order, Direction or Writ and more particularly one in the nature of Writ of Mandamus.

i. declaring the acts of the respondents No.1 to 3 in not taking action on complaints of the petitioners dated 01/08/2019, 07/08/2019 and 07/09/2019, in not taking action against the illegal construction work of the respondents No.4 to 8 being carried on the property bearing municipal Nos.4-4-264, 265 and 266, situated at Sultan Bazar, Hyderabad, in utter deviation and violation of the sanction vide permit No.53263/HO/CZ/Cir-8/2016, dated 12/06/2017, for violating the municipal bye laws and zonal regulations and also not leaving the set back as required under said permission towards property of the petitioners, as illegal, arbitrary, high handed, violative of principles of natural justice

ii. and consequently direct the respondents No.1 to 3 to take action as per law for demolition of the construction to that extent of deviation and violation on the property bearing municipal Nos.4-4-264, 265 and 266, situated at Sultan Bazar, Hyderabad.

iii. and direct the respondents No.4 to 8 not to proceed with construction work in deviation of the sanction plan on the property bearing municipal Nos.4-4-264, 265 and 266, situated at Sultan Bazar, Hyderabad and in such illegal manner without leaving setbacks as per sanction plan, in the interest of justice.

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an order directing the respondents No.1 to 3 to take action as per law for demolition of the illegal construction made on the property bearing municipal Nos.4-4-264, 265 and 266, situated at Sultan Bazar, Hyderabad, to the extent of deviation and in violation of the sanction plan vide permit No.53263/HO/CZ/Cir-8/2016, dated 12/06/2017, by taking action on the complaints of the petitioners dated 01/08/2019, 07/08/2019 and 07/09/2019 and also direct the respondents No.4 to 8 not to proceed with construction work in deviation of the sanction plan on said property and in such illegal manner, pending disposal of the writ petition, in the interest of justice.

Counsel for the Petitioners:SRI. SHYAM S. AGRAWAL

Counsel for the Respondent No. 1: GP FOR MUNICIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos. 2 & 3: SRI. N. ASHOK KUMAR

Counsel for the Respondent Nos. 4 to 8: NONE APPEARED

The Court made the following:

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25239 of 2019

ORDER:

Heard learned counsel for the petitioners, and Sri Neeli Ashok Kumar, learned Standing Counsel.

Learned counsel for the petitioners seeks to withdraw the writ petition. Learned Standing Counsel submits that action has been taken in the subject matter, in accordance with law, and there is no objection for the Corporation for permitting withdrawal of the writ petition.

Accordingly, the writ petition is dismissed as withdrawn. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. **One CC to Sri. Shyam S. Agarwal, Advocate (OPUC)**
2. **One CC to Sri. N. Ashok Kumar, Advocate (OPUC)**
3. **Two CCs to GP for Municipal Admn. & Urban Dev., High Court for the State of Telangana at Hyderabad (OUT)**
4. **Two CD Copies.**

PM

HIGH COURT

DATED:12/06/2020



ORDER

WP.No.25239 of 2019

Dismissing the WP
As withdrawn
Without costs.