

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION Nos.20590, 20595 AND 20600 OF 2018

COMMON ORDER:

Since the issue involved in all these Writ Petitions is one and the same, they are taken up together and are being disposed of by way of this common order.

2. These Writ Petitions are filed seeking Writ of Mandamus to declare the action of official respondent Nos.2 to 5 in interfering and demolishing the petitioners' properties partly i.e., stilt + 5 floors constructed on plot Nos.801/A, 801/A1, 804/A, 803/A1, 803/A, 802/A, 802/A1 and 802/A2 covered by Survey Nos.148 to 155 situated at M.C.K., Block No.2, Gopalnagar Co-operative House Building Society Limited, Hydernagar Village, Kukatpally Municipality, Ranga Reddy District, without following due procedure, as illegal and arbitrary and consequently, direct the respondents not to interfere with the peaceful possession of the petitioners over the subject properties.

3. Heard the learned counsel for both sides and perused the record.

4. Learned counsel for the petitioners would submit that the petitioners do not want to proceed with the subject *lis* and they intend to withdraw the Writ Petitions.

5. Learned Standing Counsel for GHMC would submit that there is an order of this Court, dated 09.12.2019, whereby the

petitioners are not permitted to withdraw the Writ Petitions, pending further orders.

6. To the said submission, learned counsel for the petitioners submitted that if there are illegal or unauthorised constructions, the respondent-Corporation is entitled to take action in accordance with law and the petitioners have no objection for the same.

7. It is pertinent to state that if there are any unauthorised or illegal constructions or permission was obtained by fraud or otherwise, the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'GHMC Act') empowers the respondent-Corporation to remove the illegal or unauthorised constructions in accordance with law. There is no impediment to the respondent-Corporation to take action in consonance with the provisions of the GHMC Act and the Rules made thereunder.

8. Under these circumstances, since the petitioners intend to withdraw the Writ Petitions, the Writ Petitions are dismissed as withdrawn. However, it is left open to the respondent authorities to take necessary action, in accordance with law, in respect of the subject properties.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 17.12.2021
MD