

THE HONORABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.30815 of 2021

ORDER

This writ petition is filed questioning the action of respondent Nos.2 to 5 in not taking any action against the petitioner's representation dated 01-11-2021, which was acknowledged vide reference No.583243/2021/CINWRD3(HD), against the unofficial respondent Nos.6 to 10, for making illegal constructions in respect of the premises of petitioner bearing No.14-2-332/2/B, admeasuring 272 sq. yards, situated at Gyanbagh Colony, Ghode-Ki-Khaber, Hyderabad, contrary to the Greater Hyderabad Municipal Corporation Act, as illegal and arbitrary.

2. Heard Mr. T. Raghavan, learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, learned Standing Counsel Mr. N. Ashok Kumar, for respondent Nos.2 to 5 and Mr. Mirza Safiulla Baig, learned counsel for respondent Nos.6 to 10.

3. Learned counsel for the petitioner submits that there is an order of *status quo* granted by the Court below in respect of the petitioner's land, but the petitioner came to know that respondent Nos.6 to 10 have obtained building permission and making illegal constructions therein. He further submits that respondent Nos.6 to 10 have filed a suit and obtained an order of interim injunction against the respondent

Corporation and the petitioner is not made as party respondent in the said suit. He also submits that when the petitioner has submitted a representation to the official respondents, they have failed to act upon the same and hence, she has come up before this Court.

4. Learned Standing Counsel for respondent Nos.2 to 5 submits that after receipt of the representation of petitioner, the officials of respondent Corporation have visited the subject property and found that respondent Nos.6 to 10 have already constructed stilt + 5 upper floors and pent house and they have also filed a suit in O.S.No.695 of 2021 on the file of VII Senior Civil Judge, City Civil Court, Hyderabad, and obtained interim orders against the respondent Corporation, and they will take further action after getting the interim order vacated in the suit.

5. In the representation of petitioner dated 01-11-2021, it is stated that the suit in O.S.No.214 of 2016, filed by petitioner, is pending before the XI Additional Chief Judge, City Civil Court, Hyderabad, and final hearing is not completed in the said suit and the persons have started illegal constructions and hence, action to be taken, except that, the petitioner has not mentioned any other details. Basing on the said representation, this writ petition is filed seeking a direction to the official respondents to act upon the illegal constructions made by the unofficial respondent Nos.6 to 10. This Court cannot direct the respondents to act upon respondent Nos.6 to 10 only basing on the said

representation. However, learned counsel for the petitioner seeks liberty to submit a fresh representation.

6. Accordingly, the Writ Petition is disposed of, giving liberty to the petitioner to submit a fresh representation. No order as to costs.

7. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

8th June, 2022.

sj

SMT LALITHA KANNEGANTI, J