

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.43073 of 2022

ORDER:

This writ petition is filed seeking the following relief:

“to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the Respondents in not considering the representations submitted by the Petitioner and not initiating steps to demolish the unauthorized construction undertaken on Plot No.97, HUDA Heights, Sy.No. 5 (Part) Block ‘J’, Ward No. 12, T.S.No. 14, Part Block ‘A’ of Shaikpet Village, Hyderabad by the 6th and 7th Respondents in deviation of the sanctioned building permission dated 14/11/2018 and on the open park land adjacent to the said property belonging to the Respondents as being illegal, arbitrary and in violations of the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and consequently to direct the Respondents to initiate steps in accordance with law to demolish the unauthorized construction undertaken on Plot No.97, HUDA Heights, Sy.No.5 (Part) Block ‘J’, Ward No 12, T.S.No.14, Part Block ‘A’ of Shaikpet Village, Hyderabad after securing the open park land

2. Sri D.V.Sitaram Murthy, Learned senior counsel for the petitioner submits that he gave several representations to the official respondents, in the representation dated 24.12.2021 he had stated that unofficial respondents are undertaking construction activity in deviation to the sanctioned plan and

apart from several deviations, they have not left the mandatory set-backs towards the northern side of petitioner's compound wall which is in deviation of the sanctioned plan which was obtained by fraud. When the petitioner has visited the property he has observed that the third parties in illegal occupation of the open space are undertaking construction at a very brisk pace. Learned Senior counsel further submits that constructions that are carried out are in the area earmarked as open space in the layout and the permission is obtained by playing fraud and the said constructions are contrary to the sanctioned plan. In spite of repeated representations given by the petitioner, no action has been taken by the official respondents.

3. Sri P. Siddharth Rao, learned Standing Counsel submits that the constructions that are taken up by the unofficial respondents are as per the sanctioned plan and there are no deviations. He further submit that they will come up with a counter-affidavit.

4. When a representation is given to the official respondents making certain allegations or complaints the respondents ought to have considered the same and ought to

pass reasonable orders. Hence, this writ petition is disposed of directing the official respondents to consider the representation dated 24.12.2021 and pass appropriate orders by issuing due notice to unofficial respondents within a period of 6 weeks from the date of receipt of the copy of this order, as this Court is not supposed to issue notice as no adverse orders are passed.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

29.11.2022
PSW

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PSW/MYK