

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

TUESDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE N. V. SHRAVAN KUMAR

WRIT PETITION NO: 21979 OF 2023

Between:

Jubilee Ballpark Flat Owners welfare and Maintenance Mutually Aided Cooperative Society Limited, Rep. by its General Secretary Sri Ramakrishna Udupa, Jubilee Ball Park, A residential Complex situated at 8-3-231/W/A/1 and 2, Road No.2, Jubilee Hills, Hyderabad 500045.

...PETITIONER

AND

1. Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad, Rep. by its Commissioner
2. The Chief City Planner, Greater Hyderabad Municipal Corporation Lower Tank Bund, Hyderabad.
3. The Commissioner, Circle-XVIII, The Greater Hyderabad Municipal Corporation, Jubilee Hills, Hyderabad.
4. M/s. J.D. Developers and Builders, 2nd Floor KNG Gamut Square 100 Feet Road Madhapur, Hyderabad, 500081
5. D. Rama Sudhakar Rao, Managing Partner J D Projects Plot 122, Sri Sai Nagar, JNTU, Kukatpally, Hyderabad 500085
6. E. Srinivasa Rao, Managing Partner J D Projects Flat 3009, Jubilee Ball Park, 8-3-231/W/A/1 and 2, Road No.2, Jubilee Hills, Hyderabad 500045
7. Anugu Sudhakar Reddy, S/o Linga Reddy, Aged about 70 years, Occ-Business, Flat No. 204, JR Residency H. No. 8-2-1 Opp Axis Bank, Erramanzil, Hyderabad - 500082
8. Anugu Srilatha Reddy, W/o Anugu Sudhakar Reddy, Aged about 66 years, Occ- Business, Flat No- 204 JR Residency Hnpo-8-2-1 Opp Axis Bank, Erramanzil, Hyd 500082
9. Girish Kothari, S/o Bhavanilal Kothari Aged about 42, H. No. 6-3-858/13, Ameerpet, Hyderabad
10. E. Srinivas Rao, S/o. E. Jagadish Chanra Bose, Aged about 55Years, Occ-Business, Flat No- 3008, Jubilee hills park, D. No- 8-3-231/w/A/1 and 2, Road no 2, Jubilee Hills, Hyderabad - 500045.
11. E. Nailini, w/o E. Srinivas Rao Aged about 50 Years, Occ-Business, Flat No- 3008, Jubilee Hills Park, D. No- 8-3-231/w/A/1 and 2, Road No 2, Jubilee Hills, Hyderabad - 500045
12. Pupnugu Chakravarthi Reddy, S/o. P. Srinivasulu Reddy, Aged about 48 Years, Occ- Business R/o. Jubilee Ball Park, A Residential Complex D. No. 8-3-231/W/A/1 and 2, Road No. 2, Jubilee Hills, Hyderabad 500045
13. Punugu Roopa, W/o. Pupnugu Chakravarthi Aged about 45 Years, Occ-Business, R/o. Jubilee Ball Park, A Residential Complex D. No. 8-3-231/W/A/1 and 2, Road No. 2, Jubilee Hills, Hyderabad 500045

...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 issue a Writ, order or orders more particularly one in the nature of Writ of Mandamus, declaring the inaction of the Respondents-2 and 3 in not taking any action on the Complaint ID No. 3103233055449 dated 31.03.202 submitted by the Petitioner as arbitrary and illegal, violates the Principles of Natural Justice and against the Articles 14 and 300-A of Constitution of India and consequently direct the Respondents to take immediate necessary action against the illegal usage of residential flats sold and being used as commercial flats by the 4th Respondent in H. No. at 8-3-231/W/A/1 and 2, situated at Road No.2, Jubilee Hills, Hyderabad 500045, encroaching the corridor and common area

IA NO: 1 OF 2023

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 direct the Respondent Nos. 4 to 12 not to encroach into the common areas of the Petitioner Apartments, by restricting the free passage

Counsel for the Petitioner: SRI RAM SHARMA

Counsel for Respondent Nos. 1 to 3: SRI K. SIDDHARTH RAO

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.21979 of 2023

ORDER:

Heard learned counsel for the petitioner and Sri.K.Siddharth Rao, learned standing counsel for GHMC appearing for respondent Nos.1 to 3. With their consent, the writ petition is being taken up for disposal at the admission stage itself.

2. This writ petition has been filed with the following prayer "to declare the inaction of the Respondent Nos.2 and 3 in not taking any action on the Complaint ID No.3103233055449 dated 31.03.2023 submitted by the Petitioner as arbitrary and illegal, violates the Principles of Natural Justice and against the Articles 14 and 300-A of Constitution of India and consequently direct the Respondents to take immediate necessary action against the illegal usage of residential flats sold and being used as commercial flats by the 4th Respondent in H.No. at 8-3-231/W/A/1&2 situated at Road No.2, Jubilee Hills, Hyderabad, 500045, encroaching the corridor and common area."

3. Learned counsel for the petitioner submits that the petitioner on 31.03.2023 made online complaint *vide* ID No.3103233055449 and thereafter on 27.07.2023 made another compliant and requested respondent authorities to take action against the illegal usage of eight residential flats for commercial purpose at residential complex situated

at 8-3-231/W/A/1&2, Road No.2, Jubilee Hills, Hyderabad. It is further submitted that the said complaint is still pending for consideration and pray this Court to direct the respondent authorities to consider the same and pass orders in a time bound period.

4. Learned standing counsel for GHMC on instructions submits that if the petitioner's complaint dated 27.07.2023 is still pending for consideration; the respondent authorities may be directed to consider the petitioner's complaint dated 27.07.2023 and pass appropriate orders in accordance with law.

5. In view of the submission made by the learned counsel appearing on either side and without going into the merits of the case, this writ petition is disposed of directing respondent authorities to dispose the petitioner's complaint dated 27.07.2023 and the respondent authorities are further directed to conduct inspection immediately, if the allegations made by the petitioner in the said complaint is found to be true, the respondent authorities, by putting notice on all the concerned parties including respondent Nos.4 to 13 and after giving fair opportunity of hearing, thereafter shall pass orders strictly in accordance with law, as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of copy of this order and communicate the same to the concerned parties.

6. Accordingly this writ petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

SD/- N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.
2. The Chief City Planner, Greater Hyderabad Municipal Corporation Lower Tank Bund, Hyderabad.
3. The Commissioner, Circle-XVIII, The Greater Hyderabad Municipal Corporation, Jubilee Hills, Hyderabad.
4. One CC to Sri Ram Sharma, Advocate [OPUC]
5. One CC to Sri K Siddharth Rao, Advocate [OPUC]
6. Two CD Copies

MBC

GJ



HIGH COURT

DATED:29/08/2023



ORDER

WP.No.21979 of 2023

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

8
11/11/23
HVS