

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE ELEVENTH DAY OF NOVEMBER TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 24692 OF 2019

Between:

K. Narender Babu, S/o. Sri K. Narsimha.

Petitioner**AND**

1. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank bund, Hyderabad
2. The Deputy Commissioner, GHMC, Abids (6th Floor) Circle-9, Opposite to GPO, Hyderabad.
3. The Chief City Planner, GHMC, Abids (6th Floor) Circle-9, Opposite to GPO, Hyderabad.
4. The Assistant City Planner, GHMC, Abids (6th Floor) Circle-9, Opposite to GPO, Hyderabad.
5. Mr. Om Prakash, S/o. Late Ramchander, Occ. Business, R/o. H.No. 3-1-258, Nimboliadda, Opp. Sadanand Hotel, kacheguda, Hyderabad- 500027.
6. Mr. Suresh, S/o. Late Ramchander, Occ. Business, R/o. H.No. 3-1-258, Nimboliadda, Opp. Sadanand Hotel, kacheguda, Hyderabad- 500027

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 direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents 1 to 4 in not taking action pursuant to the complaint dated. 10.06.2019 as wholly illegal, arbitrary and violative of Article 14 and 21 of Constitution of India and consequently direct the Respondent No. 1, 2, 3 and 4 to act upon the complaint by removing the balconies constructed adjacent to petitioners bathroom by encroaching 5 feet's of common passage from first to fourth floor and also Respondent No. 5 and 6 has encroached common passage by 3 feet's on Ground floor by retraining me from enjoying natural amenities like air, water, sunlight and also the illegal constructions namely 3rd floor and 4th floor along with Lift installation forthwith 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 direct the Respondents Ito 4 to act upon the complaint dated. 10.06.2019 by removing the balconies constructed adjacent to petitioners bathroom by encroaching 5 feet's of common passage from first to fourth floor, pending disposal of WP 24692 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri SINGH THAKUR ANOOP, Advocate for the Petitioner, Sri L. Venkateswara Rao, Advocate for the Respondent Nos.1 to 4, the Court made the following.

ORDER:

In this Writ Petition, petitioner complains that respondent Nos.5 and 6 have constructed two more floors extra apart from not leaving the setbacks, that too, by obtaining an order from the Civil Court, but, the respondent authorities are not taking any action so far.

A perusal of the building permission granted in favour of respondent Nos.5 and 6 clearly discloses that permission was granted to them only for Stilt + two Upper Floors. Further, it is evident from the photographs filed by the petitioner that there are two more floors constructed extra by respondent Nos.5 and 6. Hence, it is clear that respondent Nos.5 and 6 have violated the sanctioned plan.

In those circumstances, issue

Rule nisi. Call for records.

Notice returnable in four weeks.

Respondent Nos.2 to 4 shall file an affidavit detailing as to the action taken by them pursuant to the petitioner's complaint dated 10.06.2019 and as to why further action shall not be taken against the respondent authorities concerned for dereliction of duty.

This case shall be marked as not to be permitted for withdrawal.

//TRUE COPY//

SD/- N. PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Commissioner, The Greater Hyderabad Municipal Corporation, Tank bund, Hyderabad
2. The Deputy Commissioner, GHMC, Abids (6th Floor) Circle-9, Opposite to GPO, Hyderabad.
3. The Chief City Planner, GHMC, Abids (6th Floor) Circle-9, Opposite to GPO, Hyderabad.
4. The Assistant City Planner, GHMC, Abids (6th Floor) Circle-9, Opposite to GPO, Hyderabad.
5. Mr. Om Prakash, S/o. Late Ramchander, Occ. Business, R/o. H.No. 3-1-258, Nimboliadda, Opp. Sadanand Hotel, kacheguda, Hyderabad- 500027.
6. Mr. Suresh, S/o. Late Ramchander, Occ. Business, R/o. H.No. 3-1-258, Nimboliadda, Opp. Sadanand Hotel, kacheguda, Hyderabad- 500027 (1 to 6 by RPAD)
7. One CC to SRI SINGH THAKUR ANOOP, Advocate [OPUC]

One spare copy

HIGH COURT

CKR,J

DATED:11/11/2019

ORDER

WP.No.24692 of 2019

DIRECTION

