

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
WRIT PETITION NO : 17706 of 2002

Between:

- 1 Deepak Chowdary S/o.Suja Ram Chowdhary
R/o.Plot No.2, Durga Esstate Colony, Jeedimetla,
Secunderbad-10.
- 2 Bhawar Lal Chowdary S/o.Khivaram Chowdhary
R/o.Plot No.2, Durga Esstate Colony, Jeedimetla,
Secunderbad-10.

.....
PETITIONERS

AND

The Muncipal Commissioner Qutubullapur Municipality
Qutubullapur, R.R.Dist.

.....**RESPONDENT**

**Counsel for the Petitioners:MR G.MADHUSUDHAN REDDY FOR
MR A. SUDERSHAN REDDY**

Counsel for the Respondent: MR.P.RADHAKRISHNA

The Court made the following :

-

-

-

-

-

-

ORDER:

This writ petition is filed for a writ of Mandamus to set aside notice dated 09-09-2002 issued by the respondent.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent.

By the impugned notice, the respondent called upon the petitioners to stop construction of the building, in question, and produce the title deed along with plan and also show cause why the said temporary order shall not be confirmed. It is mentioned in the said notice that the petitioners were raising third floor without approval and that they have constructed the building without leaving the setbacks.

In my considered view, the writ petition is premature because, by the impugned notice, the petitioners were merely called upon to satisfy the respondent that they have been constructing the building in conformity with the sanctioned plan and that they have not violated the setback requirements.

The learned counsel for the petitioners submitted that the petitioners have abandoned the proposal to construct a third floor. He also submitted that the petitioners may be given an opportunity to explain to the respondent about the alleged violations in the setbacks.

Having regard to the submissions of the learned counsel for the petitioners, the writ petition is disposed of by permitting the petitioners to submit their explanation within three (3) weeks from today. On receipt of the explanation from the petitioners, the competent Officer of the Greater Hyderabad Municipal Corporation, which succeeded to the

respondent-Municipality, shall pass appropriate order.

The writ petition is, accordingly, disposed of.

C.V.NAGARJUNA REDDY, J

Dated 27th February, 2009

vrn