

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

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE SRI JUSTICE N.V. RAMANA
WRIT PETITION NO : 2152 of 2009

Between:

- 1 M/s. Modi Builders, A Partnership Firm Rep. by its Partner, Soham Modi, S/o. Satish Modi, R/o. Soham Mansion, M.G. Road, Secunderabad.
- 2 Smt. Kaushalya Devi, W/o. Late Nanu Rao, R/o. Shop No.34 A & B, Methodist Complex, Abids, Hyderabad.
- 3 Khushpat D. Jain HUF, Rep. by Khushpat Jain, R/o. Shop No.1, Methodist Complex, Abids, Hyderabad.
- 4 Jagdish Mulchandani, S/o. Late Nanak Ram Mulchandani, R/o. Shop No.17, 19 & 35, Methodist Complex, Abids, Hyderabad.

..... PETITIONERS

AND

- 1 The Greater Hyderabad Municipal Corporation., Rep. by its Commissioner, Hyderabad.
- 2 The Chief City Planner Greater Hyderabad Municipal Corporation., Hyderabad.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring that the action of the respondent-Corporation in unilaterally proceeding with the construction of foot over bridge in front of Methodist Complex, Gunfoundry, Hyderabad, without giving an opportunity to the petitioners either to object or make suggestions about the location and alignment of the foot over bridge is arbitrary and unfair and consequently, direct the respondent Corporation to give opportunity to the petitioners to raise objections and make suggestions in that context and thereafter proceed with the work of construction of foot over bridge after due consideration of such objections or suggestions and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioners : Sri.V.Venkataramana

Counsel for the Respondents : Sri.R.Ramachandra Reddy, SC for GHMC

The Court made the following Order : -

ORDER:-

The petitioners state that a Commercial Building Complex known as Methodist Complex housed in premises bearing No.5-9-189/190, Abids Road, Chirag Ali Lane, Hyderabad is the property belonging to Methodist Church of India and the property was leased out in favour of the 1st petitioner vide registered leased deed dated 19.4.1988 and the other petitioners are sub-tenants of the 1st petitioner in respect of the built up area in the complex where they have been running their businesses. The main grievance of the petitioners is that the respondents, without issuing any notice and without following due process of law, are trying to construct a Foot Over Bridge, which is likely to obstruct the view and elevation of the Methodist Complex.

Heard the learned counsel for the petitioners and the learned Standing Counsel for Greater Hyderabad Municipal Corporation and perused the material placed on record.

The learned counsel for the petitioners has submitted that the respondent-Corporation, without issuing any notice and without following due process of law, are trying to construct Foot Over Bridge in a couple of days by marking the exact point at which the stair case for the bridge would come, and if the same is allowed to be erected, it would completely obstruct the view of the Methodist Complex and block the entry into it, and thereby causing inconvenience to the public who come to the complex for shopping.

The learned Standing Counsel for the Greater Hyderabad Municipality submits that he has no objection to furnishing necessary details to the petitioners with regard to the plan of the proposed Foot Over

Bridge and its alignment and positioning and they will ^{consider} ~~comply with~~ the objections if any raised by the petitioner.

Under the circumstances, the 2nd respondent-Chief City Planner is directed to furnish the petitioners with the plan and details of alignment and positioning of the Foot Over Bridge that is going to be erected at the Methodist Complex within a period of one week. The respondents, after taking into consideration the objections/suggestions that may be filed the petitioners, pass appropriate orders in accordance with law. Till such time, the respondents are directed not make any erection in front of the Methodist Complex.

Accordingly, this writ petition is disposed of. No costs.

**Sd/-T.LAKSHMI HEMALATHA
ASSISTANT REGISTRAR**

// TRUE COPY //


SECTION OFFICER

To

1. The Commissioner, The Greater Hyderabad Municipal Corporation., Hyderabad.
2. The Chief City Planner Greater Hyderabad Municipal Corporation., Hyderabad.
3. Two C.D. Copies.
4. One CC to Sri.V.Venkataramana, Advocate (OPUC)
5. One CC to Sri.R.Ramachandra Reddy, SC for GHMC

SA 

HIGH COURT

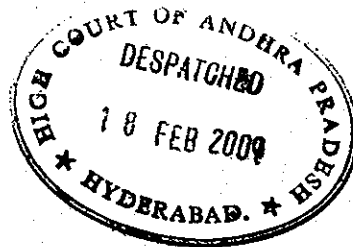
DATED: 09/02/2009

Order

WP.No.2152 of 2009

Disposing of the Writ Petition

Without Costs.



Carbon Copy Hyderabad files of 9/2/09
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