

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

TUESDAY, THE THIRTIETH DAY OF JUNE,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WP .NO: 18390 of 2015

Between:

Alladi Veerabhadraiah, s/o late Veera Lingam

Occ : Advocate, H.Nos. 8-12-2 to 4, JPN Road, Warangal.

..... Petitioner

AND

- 1 The State of Telangana, Municipal Administration & Urban Development Department, Secretariat Buildings, Hyderabad, Rep. by its Principal Secretary.
- 2 Warangal Municipal Corporation, Warangal, rep. by its Commissioner.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus: i) to declare the notice No.UC/41/TPS/W.No.20/Cir-I/WMC/2015 issued by the second respondent dated 10.6.2015 duly served on the petitioner on 15.6.2015 under Sec.452(1) and 461(1) of Hyderabad Municipal Corporation Act, 1955 alleging certain constructions in the premises bearing Dr. No.8-12-2 to 4 are in deviation of the sanctioned plan, before considering his request dated 27.5.2015 for regularization submitted under Sec.455A and 455AA of the Hyderabad Municipal Corporation Act, 1955 and consequently sending their men on 20.6.2015 at about 3.00 p.m. on 20.6.2015 to the site and warning the petitioner to dismantle the deviated portion of the construction without considering his representation dated 27.5.2015 and without considering the reply/explanation dated 19.6.2015 to the show cause notice as illegal arbitrary, unjust apart from violative of principles of natural justice and against the mandatory provisions of the Hyderabad Municipal Corporation Act; and ii) to consequently set aside the notice No.UC/41/TPS/ W.No.20/Cir-I/WMC/2015 issued by the second respondent dated 10.6.2015.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 24-06-2015 made herein and upon hearing the arguments of Sri N.S. Pattabhi Rama Rao, Advocate for the Petitioner, G.P. for Municipal Administration & Urban Development (TG) for Respondent No.1 and Smt P. Laxmi, Standing Counsel for Respondent No.2, the Court made the following

ORDER:

Learned standing counsel produced the records and stated that competent authority to consider application filed under Section 455-A of

the GHMC Act is the Commissioner and application was made to the Commissioner on 27.05.2015. With reference to the illegalities and irregularities in the constructions made contrary to the building permission granted, the Deputy Commissioner is the competent authority. The action has to be taken at the level of the Deputy Commissioner. The Deputy Commissioner was not informed of making of such application.

Having regard to the said submissions, matter stands adjourned by three weeks. By the next date of hearing, report shall be placed before this Court on the action taken on the application filed by the petitioner on 27.05.2015.

Till further orders, the direction issued by this Court on 24.06.2015 i.e., not to take coercive steps against the property of the petitioner shall remain. Petitioner is also directed not to undertake any further construction or attending to any kind of activity in the subject premises.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Municipal Administration & Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad.
- 2 The Commissioner, Warangal Municipal Corporation, Warangal.
- 3 The Commissioner, GHMC, Hyderabad. **(By Spl. Messenger)**
- 4 One CC to Sri N.S. Pattabhi Rama Rao, Advocate (OPUC)
- 5 One CC to Smt. P. Laxmi, Standing Counsel **(By Spl. Messenger)**
- 6 Two CCs to the G.P. for Municipal Administration (Telangana), High Court, Hyderabad. (OUT)
- 7 One spare copy.

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HIGH COURT

PNR,J

DATED: 30-6-2015

NOTE: Matter adjourned by three weeks

ORDER

W.P.NO. 18390 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 30-06-2015

PNR,J

DATED: 30-6-2015

NOTE: Matter adjourned by three weeks

ORDER

W.P.NO. 18390 OF 2015

DIRECTION