

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE EIGHTH DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.9657 of 2015

Between:

Ega Srinivas,
S/o. Mogili, Aged about 35 years,
Private Employee,
R/o. H.No.11-18-1193,
Vivekananda Colony,
Kashibugha, Warangal.

.. Petitioner

AND

State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat Buildings,
At Hyderabad & another

.. Respondents

The Court made the following:

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner claims to be the owner and in possession of house plot admeasuring 289 square yards in Survey Nos.37/1 and 38/1, situated at Kashibugha, Lakshmipuram Village, which comes within the Warangal Municipal Corporation. Alleging that third parties were trying to interfere with his

possession, the petitioner along with his father and his vendor filed O.S.No.1217 of 2010, which is pending on the file of Principal Junior Civil Judge, Warangal, praying to grant decree of permanent injunction. The plaintiffs have also moved I.A. praying to grant temporary injunction. Initially, the temporary injunction was granted and as the suit was not contested by the defendants, *ex parte* decree was granted on 07.05.2011. However, on an application filed by the defendants, the *ex parte* order was set aside and the suit is pending consideration by the said Court.

2. In view of illegal encroachments and in order to protect the property, on 04.03.2015 the petitioner made an application along with supporting documents to the Commissioner, Warangal Municipal Corporation, Warangal (2nd respondent) to grant permission for construction of compound wall and a small shed to keep watchman. No permission as sought for was granted. On 26.03.2015, the 2nd respondent issued notice in exercise of power under Sections 452(1) and 461(1) of the Hyderabad Municipal Corporation Act, 1955, calling upon the petitioner to explain within seven days as to why suitable action should not be taken against the petitioner for violating the provisions of the Hyderabad Municipal Corporation Act, 1955. The petitioner claims that he submitted an explanation on 02.04.2015 in which he has also stated that an application for grant of permission was already filed and the same is pending and, therefore, sought for dropping all the proceedings initiated on 26.03.2015.

3. Alleging that no orders are passed on the representation submitted and on the contrary, the 2nd respondent Corporation is taking steps to demolish the compound wall and room in premises bearing No.11-18-1193 and Plot in Survey Nos.37/1 and 38/1, situated at Vivekananda Colony, Laxmipura Village, Kashibugga Area, this writ petition is filed.

4. Learned Standing Counsel representing the 2nd respondent Municipal Corporation fairly submits that explanation filed by the petitioner on the show

cause notice, dated 26.03.2015 will be considered and appropriate orders would be passed, as warranted by law, within a short period.

5. Having regard to the said submission, the Writ Petition is disposed of directing the Commissioner, Warangal Municipal Corporation, Warangal (2nd respondent) to pass orders, as warranted by law, as expeditiously as possible and till the orders are passed on the explanation submitted by the petitioner to the show cause notice, dated 26.03.2015, and communicated to the petitioner, the 2nd respondent Corporation shall not take any coercive steps including demolition of the compound wall or shed, if they were already constructed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 8th June, 2015

Note: Issue C.C. in one (1) week.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.9657 of 2015

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Date: 8th June, 2015

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