

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

MONDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP .NO:12500 of 2015

Between:

- 1 Taher Ali Khan S/o. Khader Ali Khan,
- 2 Nusrath Banu, W/o. Syed Dawood Afroz,
- 3 Aliya Banu, W/o. Syed Mehdi,
- 4 Aasia Begum W/o. Munawar Khan,
- 5 Syeda Meher Banu W/o. Syed Dilawar,
- 6 Syed Ibrahim Kabiruddin S/o. Late Syed Kabiruddin
- 7 Syed Sardar Mohammed, S/o. Syed Ali Mehdi,
- 8 Mohammed Ehsan S/o. Late Mohammed Ghouse,
- 9 Samreen Naaz W/o. Shaik Nisar Mehdi,
- 10 Syed Zakiuddin W/o. Late Syed Aziz

..... Petitioners

AND

- 1 The Greater Hyderabad Municipal Corporation, Rep. by its
Commissioner and Special Officer, having office at Tank Bund,
Hyderabad
- 2 The Deputy Commissioner, GHMC, Hyderabad
- 3 The Zonal Commissioner Central Zone, GHMC, Hyderabad
- 4 The Assistant City Planner Circle No.9, GHMC, 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 may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents in seeking to demolish the property known as "Hilton Ashiyana" bearing Municipal No.1-6-407/1, situated at Zamistanpur, Musheerabad, Hyderabad without following due process of law as illegal, arbitrary, unjust, violative of the fundamental and constitutional rights guaranteed under the Constitution of India violative of principles of natural justice, contrary to the provisions of GHMC Act 1955 and consequently direct the Respondents not to demolish the above said property without following due process of law.

WPMP. NO. 16456 OF 2015:

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to direct the Respondents not to demolish any portion of the property bearing Municipal No.1-6-407/1, known as "Hilton Ashiyana" situated at Zamistanpur,

Musheerabad, Hyderabad, pending disposal of WP No. 12500 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Sri M.A. Mujeeb, Advocate for the Petitioners and of Sri P.Keshava Rao, SC for the Respondents, the Court made the following.

ORDER:

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“The petitioners purchased the respective flats in Hilton’s Ashiyana bearing Municipal No. 1-6-407/1, situated at Zamistanpur, Musheerabad, Hyderabad, under registered sale deeds, as mentioned in the affidavit filed in support of the writ petition. While so, the respondent-Authorities without issuing any notice, trying to demolish their flats.

Sri P. Kesava Rao, learned Standing Counsel for respondents submits that notices under Sections 452 (1) and 461(1) and 636 of the Greater Hyderabad Municipal Corporation Act, 1955, have been issued to the petitioners on 23-12-2014 and 17-04-2015, respectively. But, the same is disputed by the learned counsel for the petitioners.

In view of the same, counter is required to file in this writ petition.

Post on 09-07-2015 for counter.

Till then, status quo obtaining as on today shall be maintained by both the parties.

Print the name of Sri P.Kesava Rao, learned Standing Counsel for Respondents.”

Sd/- G.RAJESHWAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Commissioner and Special Officer, Greater Hyderabad Municipal Corporation, having office at Tank Bund, Hyderabad
2. The Deputy Commissioner, GHMC, Hyderabad
3. The Zonal Commissioner Central Zone, GHMC, Hyderabad
4. The Assistant City Planner Circle No.9, GHMC, Hyderabad (addressees 1 to 4 BY RPAD)
5. One CC to Sri M.A. Mujeeb, Advocate (OPUC)
6. One Spare Copy

HIGH COURT

AB
DRAFTED ON 27-4-2015

ARRJ

DATE: 27-4-2015

ORDER

WP. NO. 12500 OF 2015

STATUS QUO