

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10709 OF 2019

DATED :04.06.2019

Between :

Salahuddin Baba S/o.Mohammed Khaja Moinuddin,
Aged about 28 yrs, Occu : Private Employee,
R/o.No.20-3-857, Shahgunj, Charminar,
Hyderabad, Telangana

..

Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Department,
Secretariat Building, Hyderabad & others.

..

Respondents



This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10709 OF 2019

ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for Respondent No.1 and Sri Pasam Krishna Reddy, learned Standing counsel for respondents 2 to 4.

2. Petitioner claims to be the resident of house bearing Municipal No.20-3-857, Chowk, Shah Gunj, Hyderabad. Petitioner alleges that the neighbouring plot owners have encroached into the public road, showed their extent of land more than what was actually available and started illegal constructions without leaving set backs and also encroached into the land of petitioner. Petitioner claims to have made representations to Mr. Satyanarayana, Assistant Commissioner Town Planning, Ward No.32, the Director of Municipal Administration, the Principal Secretary, Municipal Administration & Urban Development Department and the Commissioner of Police, Basheer Bagh on 26.11.2018, 24.11.2018, 24.11.2018 and 27.11.2018 respectively.

3. Though wild allegations are made in the writ petition about alleged illegal constructions, set backs, encroaching into the property of petitioner and occupation of public road, in the representations submitted to various authorities the main point highlighted is about the extent of plot owned by the respondents. However, it is seen that the representations are not addressed to the Municipal Corporation, whereas the

property is falling within Greater Hyderabad Municipal Corporation (GHMC) limits and the representations do not ventilate the grievance of encroachment of road and making construction in the property of petitioner or opening balconies into the property of petitioner. Since the full facts were not placed and grievance was not ventilated before the competent authority, this Court is not inclined to entertain the writ petition.

4. Hence, granting liberty to petitioner to ventilate all the aspects as agitated in the present writ petition, before the jurisdictional Deputy Commissioner of Municipal Corporation, GHMC the Writ Petition is dismissed. However, it is needless to observe that if proper grievance is agitated before the competent authority, the same shall be considered objectively and appropriate decision be taken. It is also needless to observe that if the competent authority is *prima-facie*, in agreement with what is alleged by the petitioner, he shall put on notice the aggrieved persons and afford due opportunity before taking any coercive action. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

4th June, 2019

Note : Issue c.c. in one week

B/o.
Rds