

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 608 OF 2020

Between:

1. J.Venkateshwar Reddy, S/o Late Krishna Reddy, Aged about 52 years, Occ. Business, H.No.1-7-70/58, Maheswari Nagar, Street No.8, Habsiguda, Hyderabad-07, Telangana State.
2. Abbati Srinivas Reddy, S/o Buchi Reddy, Aged about 47 years, Occ. Pvt Employee, H.No.14-73-2, Subash Nagar, Alair, Nalgonda District, Telangana State.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and UD (H1) Department, Secretariat, Hyderabad.
2. The Commissioner, Boduppal Municipal Corporation, Boduppal, Rangareddy, Telangana State

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the Respondents in not receiving the building permission application submitted by the petitioner with regard to petitioner property bearing Plot No.75 Western Part admeasuring 111 Sq.Yds in Sy.No.101 and 114/1 situated at Sairam Nagar, Boduppal Village under Boduppal Municipal Corporation, Malkajgiri/Rangareddy District is illegal, arbitrary and unconstitutional, contrary to law and against to principles of natural justice and consequently direct the 2nd Respondent to receive the building permission application and process the same in accordance with law without insisting NOC from the Revenue officials

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd Respondent to Receive the building permission application and process the same in accordance with law without insisting NOC from the Revenue officials for the Plot No.75 Western Part admeasuring 111 Sq.Yds in Sy.No.101 and 114/1 situated at Sairam Nagar, Boduppal Village under Boduppal Municipal Corporation, Malkajgiri/Rangareddy District, pending disposal of the writ petition

Counsel for the Petitioner: SRI R. A. CHARY

**Counsel for Respondent No. 1: GP FOR MUNICIPAL ADMINISTRATION &
URBAN DEVELOPMENT**

Counsel for Respondent No. 2: SRI N. PRAVEEN KUMAR

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 608 of 2020

ORDER:

Heard learned counsel for the petitioners as well as Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent – Corporation.

The case of the petitioners is that they are the absolute owners of the property bearing Plot No. 75, Western Part, admeasuring 111 square yards in Survey Nos. 101 and 114/1 situated at Sairam Nagar, Boduppal Village, Malkajgiri / Ranga Reddy District, having acquired the same through a registered sale deed, dated 17.10.2019 and that they desire to make construction of a residential tenement therein. The respondent Municipal Corporation is neither permitting them to make construction nor receiving / processing the Application submitted by them, is what the grievance of the petitioners. Hence, they seek a *mandamus*.

Having regard to the limited grievance, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the 2nd respondent to receive the Application of the petitioners seeking permission to raise building and process the same in terms of the provisions of the Telangana Municipalities Act, 2019 (Act 11 of 2019). The petitioners are entitled to dispatch the Application in proforma as per the Rules by post / speed post. As there is a mandate in the Act, under Section 174(8), if the permission is not granted within 21 days of receipt of the Application, the petitioners shall be

entitled to make the construction in the subject property, in conformity with the municipal laws.

Subject to the above, the Writ Petition is disposed of. No costs.

The miscellaneous Applications, if any shall stand closed.

Sd/- I. NAGALAKSHMI
ASSITANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Boduppal Municipal Corporation, Boduppal, Rangareddy, Telangana State
2. One CC to Sri R A Chary Advocate [OPUC]
3. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
4. One CC to Sri N. Praveen Kumar, Advocate (OPUC)
5. Two CD Copies

MBC



HIGH COURT

DATED: 05/05/2020



ORDER

WP.No.608 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

7^{SSV} copies
Dr 18/5/2020