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

MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 5812 OF 2020

Between:

Sri Mahalakshmi Residency Residents' Welfare Association, (Regd. No.1049/2017) Rep. by its General Secretary, Sri. A. Venkataiah Sic Late. A. Musalaiah, Aged 62 years, O/o Sy. No. 64, 65/P, E-Block, Sri Mahalakshmi Residency, Upperpally, Rajendranagar (M), R.R. Dist -500 048.

...PETITIONER

AND

1. The State of Telangana,, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad 500 022.
2. The Additional Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 6, Rajendranagar, Hyderabad
3. The Managing Director,, Hyderabad Metropolitan Water Supply and Sewerage Board, Khairatabad, Hyderabad - 500 004.
4. The General Managing,, Hyderabad Metropolitan Water Supply and Sewerage Board, Division No. 16 Rajendra Nagar, R.R. District - 500 048.
5. The A.G. Office Employees Co-operative Housing Society Ltd., Rep. by its President (Elected), Sri. N.N.Darwai, A.G. Office Complex, Sailabad, Hyderabad-500 004.
6. Sri Mahalakshmi Residency Flat Owners Maintenance and Welfare Co-operative Society Limited, (Regd. No. TBC 13/2019) Rep. by its President, Smt. P. Venkata Lakshmi,G Block, Sri Mahalakshmi Residency, Upperpally, Rajendranagar Mandal, R. R. District -500 048.

...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 proceedings vide letter dated 5-08-2019 issued by the 5th respondent herein by delegating its power to the 6th respondent even before completion of project as contemplated under the act and consequential letter dated 19-02-2020 issued by the 6th respondent by exceeding its powers and thereby collecting huge amounts from the flat owners and intended to misuse the funds of the flat owners and obtaining permission from the 3rd and 4th respondents vide File No. 2019-7-152 dated nil is being illegal, arbitrary, unreasonable without jurisdiction and violative of principles of natural justices and violative of Articles 14 and 21 of Constitution of India and consequently direct the 5th respondent to withdraw its letter dated 05-08-2019

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 respondents No. 6 herein not to collect amount on Sq.ft basis in respect of the common amenities from the members of the petitioner association by suspending

the letter date 05-08-2019 issued by 5th respondent herein pending disposal of the above writ petition

Counsel for the Petitioner: SMT. J. SUMATHI

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

Counsel for the Respondent No.2: SRI. PASHAM KRISHNA REDDY, SC FOR GHMC

Counsel for the Respondent Nos.3 & 4: SRI T. SUDHAKR REDDY, SC FOR HMWSSB

Counsel for the Respondent Nos.5 & 6: NONE APPEARED

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5812 of 2020

ORDER:

Heard learned counsel for the petitioner, and Sri Sudhakar Reddy, learned Standing Counsel for respondents 2 to 4.

Considering the scope of Mandamus and Writ jurisdiction, learned counsel for the petitioner seeks to withdraw the writ petition with liberty to take appropriate proceedings against respondents 5 and 6.

Granting liberty as sought for, the writ petition is dismissed as withdrawn. No costs. Miscellaneous petitions, if any pending, shall stand closed.

Sd/- V SUDHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Smt. J Sumathi Advocate [OPUC]
2. Two CCs to Municipal Administration & Urban Development, High Court for the State of Telangana (OUT)
3. One CC to Sri Pasham Krishna Reddy, SC FOR GHMC [OPUC]
4. One CC to Sri T. Sudhakar Reddy, SC FOR HMWSSB [OPUC]
5. Two CD Copies

MBC

HIGH COURT

CKR,J

DATED: 16/03/2020



ORDER

WP.No.5812 of 2020

DISMISSING THE WRIT PETITION

AS WITHDRAWN

WITHOUT COSTS