

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

**FRIDAY, THE TWENTY FIRST DAY OF AUGUST**  
**TWO THOUSAND AND TWENTY**

**PRESENT**

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION NO: 13506 OF 2020**

**Between:**

V. Venkateswara Rao, S/o. Late V.B.Raju, aged about 66 years, Occupation. Business,  
R/o. H.No.8-3-318/11/16/2A, Engineers Colony, Jaya Prakash Nagar, Hyderabad.

**...PETITIONER**

**AND**

1. The Greater Hyderabad Municipal Corporation, Rep. by Commissioner, Tank Bund, Hyderabad
2. The Chief City Planner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The State of Telangana, Rep. by its Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.

**...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 of Certiorari or any other appropriate writ and quash the show cause notice issued by the 1st respondent in Lr.No.1/C2013516/2019, E-office No.236613, dated 12.08.2020 to the extent it restrains the petitioner from making any further construction in the land admeasuring Ac.0-28 guntas in Sy.No.178/C3 and 179/A1 (Forming Part of Sy No.178 and 179) of Kondapur village, Serilingampally Mandal, Ranga Reddy District.

**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 suspend the operation and effect of the show cause notice issued by the 1st respondent in Lr.No.1/C20/13516/2019, B-office No.236613, dated 12.08.2020 served on the petitioner 18.08.2020 relating to the constructions which are being made by the petitioner in the land admeasuring Ac.0-28 guntas in Sy.No.178/C3 and 179/A1 (forming Part of Sy No.178 and 179) of Kondapur village, Serilingampally Mandal, Ranga Reddy District, pending disposal of the writ petition.

**Counsel for the Petitioner: SRI. D.B. CHAITANYA**

**Counsel for the Respondent Nos.1 & 2: SRI. SAMPATH PRABHAKAR REDDY,  
SC FOR GHMC**

**Counsel for the Respondent No.3:  
GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT**

**The Court made the following: ORDER**

**THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 13506 of 2020**

**ORDER:**

This Writ Petition is filed to quash the show cause notice issued by the 1<sup>st</sup> respondent dated 12.08.2020 to the extent it restrains the petitioner from making any further construction in the land admeasuring Ac.0.28 guntas in Survey No. 178/C3 and 179/A1 (forming part of Survey Nos. 178 and 179) of Kondapur Village, Serilingampally Mandal.

The petitioner challenges the notice dated 12.08.2020 to the limited extent of directing him to stop the construction pending enquiry under Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955.

Learned Senior Counsel Sri Vedula Venkata Ramana appearing for the petitioner submits that Section 450 of the Act does not authorize or empower the Commissioner to suspend the permission pending enquiry as the provision itself makes it clear that if building permission was obtained by mis-representation of facts, the same is liable to be revoked. That being so, pending enquiry, the direction of the Commissioner to stop the construction is unsustainable and his client is aggrieved only with that portion of the notice dated 12.08.2020.

Learned Standing Counsel for the respondent Corporation Sri Sampath Prabhakar Reddy fairly submits that this issue was considered by this Court in Writ Petitions No. 8306 of 2020 and 10968 of 2020 holding that pending enquiry under Section 450 of the Act, the Commissioner is not authorized to direct stoppage of construction.

Having regard to the respective submissions, as the matter is no longer *res integra*, the Writ Petition is allowed holding that the impugned notice dated 12.08.2020 to the extent of directing the petitioner to stop construction, pending enquiry under Section 450 of the Act, is unsustainable. No costs.

As a sequel, miscellaneous petitions, if any shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI  
ASSISTANT REGISTRAR  
SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad
2. The Chief City Planner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
4. One CC to Sri D.B. Chaitanya Advocate [OPUC]
5. Two CCs to the GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. (OUT)
6. One CC to Sri. Sampath Prabhakar Reddy, SC FOR GHMC [OPUC]
7. Two CD Copies

CHR

Atul

HIGH COURT

DATED:21/08/2020

ORDER

W.P.No.13506 of 2020



ALLOWING THE WRIT PETITION  
WITHOUT COSTS

9  
31/8/20  
atv