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

WEDNESDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION NO: 22938 OF 2020

Between:

Mrs. Rukhsana Begum, W/o. Anwer Sultan, Aged 49 years, Occ. Household, R/o. H.No.22-1-875/B, Sultanpura, Noorkhan Bazar, Hyderabad, Telangana.
...**PETITIONER**

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Hyderabad, Telangana.
2. Greater Hyderabad Municipal Corporation, Rep. by its Deputy Commissioner, Circle-6, Charminar Zone, Hyderabad, Telangana.
3. Assistant City Planner, Greater Hyderabad Municipal Corporation, Circle-6, Charminar Zone, Hyderabad, Telangana.

...**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 Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the 3rd Respondent issuing the orders under sec 452(2) of HMC Act 1955 dated 16/11/2020 without following the procedure under the Act and without giving notice under sec 452(1) of HMC Act 1955 to the petitioner premises i.e 22-1-886 to 888 situated at Sultanpura, Noorkhan Bazar, Hyderabad, Telangana is illegal, arbitrary, unconstitutional, contrary to law and against the principals of natural justice and consequently direct the Respondents not to interfere/demolish the petitioners premises i.e 22-1-886 to 888 situated at Sultanpura, Noorkhan Bazar, Hyderabad, Telangana, without following due process of law

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 not to interfere/demolish the petitioners premises i.e 22-1-886 to 888 situated at Sultanpura, Noorkhan Bazar, Hyderabad, Telangana, 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 Nos. 2 & 3: SRI PASHAM KRISHNA REDDY, SC FOR GHMC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.22938 of 2020

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, and Sri Pasham Krishna Reddy, learned Standing Counsel for GHMC, appearing for respondent Nos.2 and 3. With their consent, the Writ Petition is disposed of at the stage of admission itself.

This writ petition is filed questioning the action of respondent No.3 in issuing the impugned order dated 16.11.2020 directing the petitioner to remove/demolish the unauthorised constructions.

Learned Standing Counsel, on instructions, states that when the officials of the respondent Corporation visited the spot, the petitioner was unable to produce the building permission, and therefore, the impugned order was passed. Learned Standing Counsel further states that in view of the fact that the petitioner is having a valid building permission, if any deviations are found, the official respondents will take necessary action, after following the due procedure as contemplated under the law.

In view of the above submissions, the impugned order dated 16.11.2020 is set aside. However, it is made clear that the petitioner shall make constructions strictly in accordance with the rules, and if any deviations are found by the official respondents, they are entitled to take necessary action as per law.

With the above directions, the writ petition is disposed of.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Telangana, Hyderabad, Telangana.
2. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle-6, Charminar Zone, Hyderabad, Telangana.
3. The Assistant City Planner, Greater Hyderabad Municipal Corporation, Circle-6, Charminar Zone, Hyderabad, Telangana.
4. One CC to Sri R A Chary Advocate [OPUC]
5. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana (OUT)
6. One CC to Sri Pasham Krishna Reddy, Standing Counsel for GHMC (OPUC)
7. Two CD Copies

MRC

HIGH COURT

DATED: 16/12/2020



ORDER

WP.No.22938 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

SSV
9 copies
D:19/12/2020