HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY ,THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 23642 OF 2020

Between:

1. Bollaboina Chandra Shekar Yadav, S/o. B. Muthyalu Yadav, Aged about 38 years, Occ. Business, R/o. H.No.3-83/1/A/2/1, Gokul Nivas, Quthbullapur Mandal, Ranga Reddy District. Rep. by its General Power of Attorney Holder A. Srinivas Reddy, S/o. Venkatram Reddy, Aged about 45 years, Occ. Business, R/o. 2-140/1, Plot No.166/P, Venkatram Nagar, Suraram X Road, Suraram Village, Quthbullapur Mandal, Ranga Reddy District.
2. A. Srinivas Reddy, S/o. Venkatram Reddy, Aged about 45 years, Occ. Business, R/o. 2-140/1, Plot No.166/P, Venkatram Nagar, Suraram X Road, Suraram Village, Quthbullapur Mandal, Ranga Reddy District

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principle Secretary, Department of Municipal Administration, Secretariat Building, Secretariat, Hyderabad.
2. The Nizampet Municipality, Rep. by its Commissioner, Medchal-Malkajgiri District.
3. The District Collector, Medchal-Malkajgiri District.
4. The Tahsildar, Bachupally Mandal, Medchal-Malkajgiri District.

...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 declaring the arbitrary action of the respondents in trying to interfere with the peaceful possession of the petitioners property bearing Plot No.63 in Sy.No.326, admeasuring 490 sq. yards situated at Nizampet Village and Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District, without following due process of law as being arbitrary, illegal, violation of principles of natural justice and unconstitutional.

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 with the peaceful possession of petitioner in respect of Plot No.63 in Sy.No.326, admeasuring 490 sq. yards situated at Nizampet Village and Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District without following due process of law, pending disposal of the writ petition in the interest of justice and equity.

Counsel for the Petitioner : M/s. K. HEMALATHA
Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT
Counsel for the Respondent No.2: SRI N. PRAVEEN KUMAR,
SC FOR MUNICIPALITY

Counsel for the Respondent Nos.3 & 4: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.23642 of 2020

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Mr. N. Praveen Kumar, learned Standing Counsel for Municipalities for respondent No.2, and learned Government Pleader for Revenue for respondent Nos.3 and 4. With their consent, the Writ Petition is disposed of at the stage of admission itself.

The present writ petition is filed seeking to declare the action of the respondents in trying to interfere with the possession of the petitioners over the property bearing Plot No.63 in Survey No.326, admeasuring 490 square yards, Nizampet Village and Grampanchayat, Bachupally Mandal, Medchal-Malkajgiri District, as illegal and arbitrary.

Learned Standing Counsel as well as the learned Government Pleaders, on instructions, have stated that the official respondents are not interfering with the possession of the petitioners, and in case, if they need to do so, they will do it in accordance with law.

In view of the above made submissions, the grievance of the petitioners stands redressed and the Writ Petition is disposed of directing the official respondents not to interfere with the possession of the petitioners in respect of the subject property, except in accordance with the procedure established by law.

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 Principle Secretary, Department of Municipal Administration, State of Telangana, Secretariat Building, Secretariat, Hyderabad.
2. The Commissioner, Nizampet Municipality, Medchal-Malkajgiri District.

PTO

3. The District Collector, Medchal-Malkajgiri District.
4. The Tahsildar, Bachupally Mandal, Medchal-Malkajgiri District.
5. One CC to M/s. K. Hemalatha, Advocate [OPUC]
6. One CC to Sri N. Praveen Kumar, SC for Municipality, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad (OUT)
8. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

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HIGH COURT

DATED:23/12/2020



ORDER

WP.No.23642 of 2020

DISPOSING OF THE WP

WITHOUT COSTS

(12)
5/1/21