

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

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 11655 OF 2020

Between:

Dande Srinivasa Rao, S/o D. Rama Chander, aged about 45 years, Occ: Business,
R/o H.No.3-1-9, Baghameer, Kukatpally, Hyderabad-500072.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Prl. Secretary, Department of Municipal Administration, Government of Telangana State, O/o at Secretariat office, Government of Telangana State, Hyderabad
2. The Greater Hyderabad Municipal Corporation, rep. by its commissioner, O/o at GHMC Office, Near Tank Bund, Hyderabad-500029
3. The Greater Hyderabad Municipal Corporation, rep. by its Zonal Commissioner, Kukatpally Zone, O/o at Janatha Nagar, Moosapet, Kukatpally, Hyderabad-500072
4. The Greater Hyderabad Municipal Corporation, rep. by its Deputy commissioner, Kukatpally circle-24, O/o at Janatha Nagar, Moosapet, Kukatpally, Hyderabad-500072
5. Smt Danda Pramila, W/o D. Upender Reddy, aged about 58 years, Occ: Housewife, R/o Plot No.272A, 283A, in Sy.No. 196, Addagutta co-operative society, Kukatpally, Kukatpally circle, GHMC, 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, or Writs Order or Orders more particularly in the nature of mandamus thereby declaring the inaction of the Respondents No.1 to 4 herein on the representations, dt.04/06/2020 and 15/06/2020 made by the Petitioner, as illegal, arbitrary and against the principles of Municipalities Act and consequently directing to take an appropriate legal action against the illegal and unlawful construction raising in cellar + stilt + 5 upper floors in and over Plot No.272A, 283A on a land admeasuring 800 Sq.Yards approximately in Sy.No.196, situated at Addagutta co-operative society, Kukatpally, Kukatpally circle, GHMC, Medchal Malkajgiri District by the respondent No.5.

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.1 to 4 herein to stop further illegal and unlawful construction raising in cellar + stilt + 5 upper floors in and over Plot No.272A, 283A on a land

admeasuring 800 Sq.Yards approximately in Sy.No.196, situated at Addagutta co-operative society, Kukatpally, Kukatpally circle, GHMC, Medchal Malkajgiri District, making by the Respondents No.5 herein.

Counsel for the Petitioner: SRI. PUSHADAPU SUBBA RAO

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

Counsel for the Respondent Nos.2 to 4: SRI SAMPATH PRABHAKAR REDDY,
SC FOR GHMC

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.11655 OF 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

"... to issue Writ, or Writs Order or Orders more particularly in the nature of mandamus thereby declaring the inaction of the Respondents No.1 to 4 herein on the representations, dt.04-06-2020 and 15-06-2020 made by the Petitioner, as illegal, arbitrary and against the principles of Municipalities Act and consequently directing to take an appropriate legal action against the illegal and unlawful construction raising in cellar + stilt + 5 upper floors in and over Plot No.272A, 283A on a land admeasuring 800 Sq. Yards approximately in Sy.No.196, situated at Addagutta co-operative society, Kukatpally, Kukatpally circle, GHMC, Medchal Malkajgiri District by the respondent No.5, and to pass such other order or orders ..."

2. Heard the learned counsel for the petitioner; Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC, appearing for respondent Nos.2 to 4 and perused the record.
3. Having submitted for a considerable time, learned counsel for the petitioner intends to withdraw the Writ Petition unconditionally.
4. Learned Standing Counsel appearing for GHMC would submit that the respondent-Corporation has verified the constructions raised by the unofficial respondent No.5. They were in tune with the permission granted. There are no violations of the building

permit and proper set backs were left. The present Writ Petition is filed on false allegations.

5. Learned Standing Counsel has drawn the attention of the Court to paragraph No.2 of the writ affidavit to demonstrate the manner in which the present Writ Petition is drafted.

6. Paragraph No.2 of the writ affidavit reads as follows:

"2. I submit that I am doing Business in and around Kukatpally. I reliably came to know that the respondent No.5 is raising structures illegally and unlawfully without any valid permission, without leaving any required setbacks in and over Plot No.272A, 283A on a land admeasuring 800 Sq.Yards approximately in Sy.No.196, situated at Addagutta co-operative society, Kukatpally, Kukatpally circle, GHMC which is our locality, I am residing same locality and also I am travelling in front of the said construction on my day to day affairs. Immediately I brought to the notice of the concerned authorities. But the authorities concerned simply stated that the Respondent No.5 obtained building construction permit No.37651/HO/WZ/Cir-14/2014 dt.03-11-2014 from the office of GHMC valid from 02-05-2016 to 02-11-2017 in respect of the said property."

7. In the instant case, the petitioner has stated that on reliable information he came to know that respondent No.5 has raised structures in the subject premises illegally, unlawfully and without any valid permission. This mention is without direct knowledge of the petitioner and without verification of the facts. It is contrary to the material facts i.e., respondent No.5 has permission to make construction in the subject premises and the structures raised are in tune with the permission granted in her favour. Under these

circumstances, this Writ Petition is liable to be dismissed as withdrawn with costs.

8. Accordingly, the Writ Petition is dismissed as withdrawn. The petitioner is directed to pay costs of Rs.25,000/- (Rupees twenty five thousand only) to the Secretary, High Court Legal Services Committee, Telangana, within a period of thirty (30) days from the date of this order. If the said amount is not paid within the time stipulated above, the High Court Legal Services Committee, Telangana, is entitled to recover the same, in accordance with law.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

W.P.No.38941 of 2015

Rs. Ps.

Cost Quantified by the Hon'ble Court (That the petitioner is directed to pay costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) to be paid to the Secretary, High Court Legal Services Committee, Telangana, within a period of thirty (30) days from the date of this order.

25,000 - 00

25,000 - 00

TOTAL

**SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

- To,
1. The Secretary, High Court Legal Services Committee, Hyderabad, Telangana.
 2. One CC to Sri Pushadapu Subba Rao, Advocate [OPUC]
 3. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
 4. One CC to Sri Sampath Prabhakar Reddy, SC FOR GHMC [OPUC]
 5. Two CD Copies
 6. One Spare Copy

**CHR
NPJ**

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HIGH COURT

DATED:30/12/2021

ORDER

W.P.No.11655 of 2020



**DISMISSING THE WRIT PETITION
AS WITHDRAWN
WITH COSTS**

29/1/22
98/122
(8)