

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY ONE

PRESENT

**THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

WRIT APPEAL NO. 261 OF 2020

Writ Appeal under clause 15 of the Letters patent preferred against the Order Dated 07.07.2020, Passed in W.P. No. 9964 of 2020 on the file of the High Court.

Between:

P. Thaurya, S/o. P. Redya, Aged about 30 years, Occ: Employee, R/o. Plot No. 33, Sy. No. 95, Block No. 11, Chanakyapuri Colony, Mallapur, Kapra Municipality, Keesara Mandal, R.R. District.

...APPELLANT/RESPONDENT NO 5

AND

1. Sri. Cheguri Paramesha, S/o. Sri. Ch. Ramaiah, Aged about 44 years, Occ: Railway Employee, R/o. Tekulasomaramam Village and Post, Valigonda Mandal, Nalgonda District, Telangana State - 508 112.

RESPONDENT/WRIT PETITION

2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Dept., Secretariat Buildings, Hyderabad - 500 022.
3. The Greater Hyderabad Municipal Corporation Ltd., Rep. by its Commissioner, Tank Bund, Hyderabad.
4. The Greater Hyderabad Municipal Corporation Ltd., Rep. by its Deputy Commissioner, Kapra Circle, Hyderabad District.
5. Telangana State Southern Power Distribution Co. Ltd., Rep. by its Assistant Engineer (Operation), Mallapur Section, Habshiguda, R.R. District.

...RESPONDENTS/RESPONDENTS

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 of the orders dated 07.07.2020 passed in W.P. No. 9964 of 2020 on the file of this Hon'ble Court.

Counsel for the Appellant: SRI VIJAY B PAROPAKARI

Counsel for the Respondent No.1: SRI S. SRINIVASA SHARMA

**Counsel for the Respondent No.2: GP FOR MUNICIPAL ADMINISTRATION AND
URBAN DEVELOPMENT**

**Counsel for the Respondent Nos.3 & 4: SRI SAMPATH PRABHAKAR REDDY,
S.C. FOR GHMC**

Counsel for the Respondent No.5: SRI R. VINOD REDDY, S.C. FOR T.S.S.P.D.C.L

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

W.A.No.261 of 2020

JUDGMENT: (Per the Hon'ble the Chief Justice Hima Kohli)

1. At the outset, learned counsel for the respondents No.3 and 4/GHMC states that due to *bona fide* inadvertence on his part, he has not communicated the order dated 19.08.2020 passed in the present proceedings to the respondents No.3 and 4/GHMC, for them to make compliances. He states that if granted four weeks time, the GHMC shall consider and decide on the reply dated 18.06.2020 submitted by the appellant/respondent No.5 to the notice issued under Section 452 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short '**the Act**').

2. At this stage, learned counsel for the respondents No.3 and 4/GHMC informs the court that the appellant/respondent No.5 has failed to reveal that he has already instituted a suit for permanent injunction against the respondent No.1/writ petitioner and the GHMC, praying *inter alia* for staying the notice issued under Section 452 of the Act.

3. Learned counsel for the appellant/respondent No.5 admits filing of the suit by his client and states that initially, the learned civil court had granted a *status quo* order in favour of the appellant/respondent

No.5, which was subsequently discontinued after the order came to be passed by the learned Single Judge in W.P.No.9964 of 2020. He states that the appellant shall take steps to withdraw the said suit within one week.

4. The respondents No.3 and 4/GHMC shall take a decision on the Section 452 notice issued to the appellant/respondent No.5, after considering his reply dated 18.06.2020 and pass a speaking order under written intimation to him and the respondent No.1/writ petitioner within four weeks. If either of the parties has a grievance against the said order, they shall be entitled to seek appropriate legal recourse.

5. The present appeal is disposed of along with the pending applications, if any.

SD/-CH.VENKATESWARULU
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation Ltd., Tank Bund, Hyderabad.
2. The Deputy Commissioner, Greater Hyderabad Municipal Corporation Ltd., Kapra Circle, Hyderabad District.
3. One CC to Sri Vijay B Paropakari, Advocate [OPUC]
4. One CC to Sri S. Srinivasa Sharma, Advocate [OPUC]
5. Two CCs to 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, S.C. for GHMC [OPUC]
7. One CC to Sri R. Vinod Reddy, S.C. For T.S.S.P.D.C.L. (OPUC)
8. Two CD Copies.

MP



HIGH COURT

DATED:10/03/2021

JUDGMENT

WA.No.261 of 2020



DISPOSING OF THE APPEAL

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HMA
10/20/3/2021