

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

FRIDAY, THE TWENTY THIRD DAY OF JULY TWO THOUSAND AND TWENTY ONE

**:PRESENT:
THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY**

WRIT PETITION NO: 16250 OF 2021

Between:

Banda Sampath, S/o Veeraswamy

Petitioner

AND

1. The State of Telangana, rep by. its Principal Secretary, Municipal Administration And Urban Development Department Secretariat, Hyderabad
2. The Commissioner, Mancherla Municipality, Mancherla District.
3. Ligampally Lakshmi, W/o Shanker, Occ- Housewife, C/o Katamlingaiah, H.No.23-46, Sri Sri Nagar, Mancherla.

Respondents

WHEREAS the Petitioner above named through his Advocate SRI THADIKONDA KOTESHWARA PRASAD presented this 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, order or direction more particularly one in the nature of Writ of Mandamus the inaction of the respondent No. 2 in taking further course of action in pursuance of proceedings in file No. G1/378/2021 dated 18/05/2021 to remove illegal structures carried out by the unofficial respondent No.3 by encroaching public road in Layout No.42/78 in Sy.No.476/B and 474/A of Mancherla, as illegal, arbitrary, unconstitutional and violative of principles of natural justice and consequently direct the respondent No.2 to remove the illegal structures constructed by the unofficial respondents by encroaching roads and parks of the colony;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri THADIKONDA KOTESHWARA PRASAD, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Municipal Administration And Urban Development Department, State of Telangana, Secretariat, Hyderabad
2. The Commissioner, Mancherla Municipality, Mancherla District.
3. Ligampally Lakshmi, W/o Shanker, Occ- Housewife, C/o Katamlingaiah, H.No.23-46, Sri Sri Nagar, Mancherla.

are directed to show cause on or before 13-09-2021 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2021

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 respondent No.2 forth with not to allow the unofficial respondent No.3 from carrying out illegal structures by taking further action in pursuance of the proceedings in file No. G1/378/2021 dated 18/05/2021 issued by the 2nd respondent, pending disposal of WP No. 16250 of 2021, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission.

Learned Counsel for the petitioner is directed to take out urgent personal notice to respondent No.3 and file proof of service in the Registry.

Learned Standing Counsel, on instructions, has stated that the unofficial respondent is making construction by encroaching the road portion without there been any valid permission. Learned Standing Counsel has stated that due to the orders passed by the Full Bench of this Court in *Suo Motu* W.P. Urgent No. 3 of 2021, the official respondents could not take any action. It is to be observed that the Full Bench Judgment comes into operation only where the constructions are already made and the Corporation wants to demolish the same, but the said Judgment in no way stops the Corporation from taking action against those unauthorized constructions being made now.

Therefore, the Municipality is hereby directed to take necessary action against the illegal constructions if any, being made now by the unofficial respondent.

Post on 13.09.2021 for reporting compliance.

//TRUE COPY//

SD/- T. KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration And Urban Development Department, State of Telangana, Secretariat, Hyderabad
2. The Commissioner, Mancherla Municipality, Mancherla District.
3. Ligampally Lakshmi, W/o Shanker, Occ- Housewife, C/o Katamlingaiah, H.No.23-46, Sri Sri Nagar, Mancherla. (1 to 3 BY RPAD- along with a copy of petition and affidavit)
4. One CC to SRI THADIKONDA KOTESHWARA PRASAD Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court at Hyderabad. [OUT]
6. One spare copy

mvj

HIGH COURT

AAR,J

DATED:23/07/2021

POST ON 13-09-2021 FOR REPORTING COMPLIANCE

NOTICE BEFORE ADMISSION

WP.No.16250 of 2021

DIRECTION

