

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

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 1991 OF 2013

Between:

1. N. Pullaiah, S/o Late Venkat Ramulu, aged about 34 years, occ: Business, r/o H.No. 7-368/2/1/C Trisha Kanthi Nagar, Ibrahimpatnam village and Mandal, R.R. District.
2. Chathala Jangaiah, S/o Sayelu Chathala, aged about 36 years, occ: Business, r/o H.No. 4-24, Kappa Pahad Ibrahimpatnam village and Mandal, R.R. District.

...PETITIONERS

AND

1. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Hyderabad.
2. The Deputy Municipal Commissioner, Greater Hyderabad Municipal Corporation L.B.Nagar Circle, Hyderabad.
3. The Zonal Commissioner, East Zone, Greater Hyderabad Municipal Corporation, Gaddiannaram, Hyderabad.
4. Smt. S.Muniswari Devi, w/o V.Shraavan Kumar, aged major, r/o P.No. 391, N.P. Teachers Colony, Bairamalguda, Saroornagar, Ranga Reddy 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in not taking any action on the representation dt. 7.1.2013 submitted by the petitioners for demolition of the illegal and unauthorized structures made by the 4th respondent in Plot belonging to the petitioners bearing Plot No. 391, Sy.No.59/1 (Old Sy.No. 59 (P), admeasuring 150 Sq. Yds., Ward No.8, Block No.7, situated at Teachers Colony, Phase-I, Karmanghat village, Saroornagar Mandal, R.R. District, as being illegal, arbitrary, unjust and unconstitutional and consequently demolish the above said structures.

WPMP. NO: 2409 OF 2013

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 pass

orders directing the Respondent authorities to forthwith consider and take appropriate action pursuant to the representation dt. 7-1-2013, pending disposal of the main Writ petition.

Counsel for the Petitioners: SRI K. JOSEPH

**Counsel for the Respondent Nos. 1 to 3: SRI SAMPATH PRABHAKAR REDDY,
S.C. FOR GHMC**

Counsel for the Respondent No.4: SRI V. ESWARAI AH CHOWDARY

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1991 OF 2013

ORDER:

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

"...to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in not taking any action on the representation dt.07.01.2013 submitted by the petitioners for demolition of the illegal and unauthorized structures made by the 4th respondent in Plot belonging to the petitioners bearing Plot No.391, Sy.No.59/1 (old Sy.No.59(P), admeasuring 150 Sq. Yds. Ward No.8, Block No.7, situated at Teachers Colony, Phase-I, Karmanghat Village, Saroornagar Mandal, Ranga Reddy District, as being illegal, arbitrary, unjust and unconstitutional and consequently direct the respondent authorities to disconnect the power supply to the above said premises and to grant such other relief or reliefs..."

2. Heard the learned counsel for the petitioners, learned Standing Counsel for GHMC appearing for the respondent Nos.1 to 3, learned counsel for respondent No.4 and perused the record.
3. Learned counsel for the petitioners would submit that the petitioners are the absolute owners of plot No.391, Sy.No.59/1 situated at Teachers Colony, Phase-I, Karmanghat Village, Saroornagar Mandal, Ranga Reddy District, having purchased the same under a registered sale deed dated 24.12.2012 *vide* document No.16394/2012. The unofficial respondent No.4 without having any manner of right and title, trespassed into the subject property and

proceeded with the construction without obtaining any permission from the respondent authorities. Hence, the petitioner made a representation dated 07.01.2013 to the respondent No.2 to demolish the illegal construction made by respondent No.4 over the subject property. The said representation has not been disposed of yet.

4. There is no denial by the learned Standing Counsel for GHMC with regard to the submission of representation dated 07.01.2013 by the petitioner. Admittedly, no action has been taken on the said representation.

5. Under these circumstances, the respondent No.2 is directed to examine the representation dated 07.01.2013 of the petitioner and dispose of the same, in accordance with law, after affording opportunity to the petitioner, unofficial respondent No.4 and other interested persons. It is made clear that the respondent authorities are entitled to remove the encroachments, if any, in accordance with law.

6. With the above direction, this Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

//TRUE COPY//

Sd/-K. AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
2. The Deputy Municipal Commissioner, Greater Hyderabad Municipal Corporation L.B.Nagar Circle, Hyderabad.
3. The Zonal Commissioner, East Zone, Greater Hyderabad Municipal Corporation, Gaddiannaram, Hyderabad.
4. One CC to SRI K. JOSEPH, Advocate [OPUC]
5. One CC to SRI SAMPATH PRABHAKAR REDDY, S.C. for GHMC [OPUC]
6. One CC to SRI V. ESWARAIHA CHOWDARY, Advocate [OPUC]
7. Two CD Copies.
8. One Spare Copy.

MP

HIGH COURT

DATED:31/12/2021

ORDER

WP.No.1991 of 2013



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9 Copies

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8/2/22