

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

WEDNESDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 20331 OF 2021

Between:

Mahmood Bin Salam Alias Mahmood Ali, S/o Mr. Salam Bin Hassan, Aged about 67 years, Occ Business, R/o H. No. 3-5-879/9, Old MLA Quarters. Baggikhana, Hyderabad-500002.

...PETITIONER

AND

1. State of Telangana, rep. by its Principal Secretary, Municipal Administration and Urban Development Authority, Secretariat Buildings, Hyderabad
2. Manikonda Municipality, Rep. by its Commissioner, Manikonda, Ranga Reddy District.
3. Hyderabad Metropolitan Development Authority, (HMDA) Swarna Jayanti Complex, Sanjeeva Reddy Nagar. Road, Srinivasa Nagar Ameerpet Hyderabad-82
4. The Station House Officer, Narasingi Police Station, Ranga Reddy District-500089.

...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 a Writ or direction particularly one in the nature of a Writ of Mandamus declaring the action of Respondents are interfering with the petitioner peaceful possession in the Schedule Property H.No 3-17/104 on Plot.No 104 in Survey No 249, situated at Quli Qutub Shah Housing Colony Puppalguda village, Ranga Reddy dist is illegal and arbitrary consequently restrain the respondents not to interfere with the peaceful possession and enjoyment of the petitioner said property II.No 3-17/104 on Plot.No 104 in Survey No 249, situated at Quli Qutub Shah Housing Colony Puppalguda village Ranga Reddy dist.

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 respondents.No. 2 to 4 not to interfere with the petitioner property H.No 3-17/104 on Plot.No 104 in Survey No 249, situated at Quli Qutub Shah Housing Colony Puppalguda village, Ranga Redd. dist without following the due process of law, pending disposal of the above writ petitioner and to pass

Counsel for the Petitioner:SRI. V T KALYAN

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

Counsel for the Respondent No. 2: SRI. N. PRAVEEN KUMAR, SC FOR MC

Counsel for the Respondent No. 3: SRI. Y. RAMA RAO, SC FOR HMDA

Counsel for the Respondent No. 4: GP FOR HOME

The Court made the following:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.20331 OF 2021

ORDER:

Heard Sri V.T.Kalyan, learned counsel for the petitioner and Sri N.Praveen Kumar, learned standing counsel appearing for 2nd respondent and Sri Y.Rama Rao, learned Standing Counsel appearing for 3rd respondent. With their consent, this Writ Petition is disposed of at the stage of admission itself.

2. The petitioner herein is claiming that he is the owner of the house bearing No.3-17/104 on Plot No.104 in Sy.No.249, admcaasuring 308 sq.yards situated at Quli Qutub Shah Housing Colony Puppalguda village, Ranga Reddy district, under registered sale deed bearing No.637 of 2009, dated 28.02.2009. The petitioner's vendor has obtained permission from Puppalaguda Gram Panchayat dated 28.03.2008 for the purpose of construction of compound wall along with room as shown in the plan. The vendor of the petitioner has to complete the construction within 12 months. According to the learned counsel for the petitioner, the vendor of the petitioner has completed the construction of compound wall and room in accordance with the said permission dated 28.03.2008. Now 2nd respondent without following due procedure of law, trying to demolish the said structure.

3. Whereas, learned Standing Counsel appearing for 2nd respondent would submit that the vendor of the petitioner did not complete the said construction within the time stipulated in the said permission, dated 28.03.2008 and moreover the petitioner is trying to occupy the park land. Therefore, 2nd respondent will take steps in accordance with law for recovery of the said property and also the demolition of the said structure.

4. In view of the said submissions, the Writ Petition is disposed of directing 2nd respondent not to interfere with the peaceful possession and enjoyment of the petitioner over the above said property. However, liberty is granted to the 2nd respondent to take action in accordance with law by putting the petitioner on notice and by affording an opportunity of hearing. There shall be no order as to costs.

5. Miscellaneous Petitions pending in this writ petition, if any, shall stand closed in the light of this final order.

//TRUE COPY//

SD/- M. MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Authority, State of Telangana, Secretariat Buildings, Hyderabad
2. The Commissioner, Manikonda Municipality, Manikonda, Ranga Reddy District.
3. Hyderabad Metropolitan Development Authority, (HMDA) Swarna Jayanti Complex, Sanjeeva Reddy Nagar. Road, Srinivasa Nagar Ameerpet Hyderabad-82
4. The Station House Officer, Narasingi Police Station, Ranga Reddy District-500089.
5. One CC to Sri. V T Kalyan, Advocate [OPUC]
6. One CC to Sri. N. Praveen Kumar, Advocate (OPUC)
7. One CC to Sri. Y. Rama Rao, SC for HMDA (OPUC)
8. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
9. Two CCs to the GP for Home, High Court for the State of Telangana. (OUT)
10. Two CD Copies.

PM

[Signature]

HIGH COURT

DATED:08/09/2021

ORDER

WP.No.20331 of 2021



Disposing of the WP
Without costs.

(13)
16/9/21
HW