

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

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 28350 OF 2021

Between:

Sri. Deveineni Arun Kumar, S/o. Krishna Prasad, Age. 30 years, Occ. Advocate,
R/o. H No 2-17, Khanamet, Sheri Lingampally Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, . Represented by its Principal Secretary, Municipality and urban Development, Telangana Secretariat, Hyderabad.
2. GHMC, Represented by its commissioner Domalguda, Hyderabad.
3. Sheri Lingampally Municipal Circle GHMC, Rep. by its Zonal Commissioner.
4. Sheri Lingampally Municipal Circle GHMC, Rep. by its Town Planning Officer.
5. G. Sudheer Kumar, S/o. GSN Prasad R/o. H No 101, Urban Heights Apartment, Laxmi Nagar, Miyapur Hyderabad.

...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 order, writ or direction more in the nature of writ of mandamus declaring the in action of the official respondents in not acting against illegal construction even after the complaints submitted by the petitioner and brought to the notice of official respondents is illegal, arbitrary, unjust and contrary to law and consequently direct the official Respondent and his office staff to take action on illegal construction of unofficial respondent.

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 official respondents to stop the illegal construction of premises situated at Sy. No. 11/11, 11/12 and 11/13 part situated at village limits of Khanamet, Serilingampally Mandal RR District, pending disposal of main Writ Petition.

Counsel for the Petitioner: SRI. PONNAM MAHESH BABU

Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.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.28350 OF 2021

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 order, writ or direction more in the nature of writ of mandamus declaring the inaction of the official respondents in not acting against illegal construction even after the complaints submitted by the petitioner and brought to the notice of official respondents is illegal, arbitrary, unjust and contrary to law and consequently direct the official respondent and his office staff to take action on illegal construction of unofficial respondent and pass such other order or orders....."

2. Heard the learned counsel for the petitioner, the learned Government Pleader for Municipal Corporation appearing for respondent No.1, learned Standing Counsel for GHMC appearing for respondent Nos.2 to 4 and perused the record.

3. In spite of service of notice, there is no representation on behalf of unofficial respondent No.5.

4. Learned counsel for the petitioner would submit that the unofficial respondent No.5 is constructing a building by encroaching the road without leaving setbacks and violating the building construction rules and causing great inconvenience to the family of the petitioner and also to the locality people. The petitioner made representations dated 17.09.2021 and 20.10.2021 to the respondent Nos.2 to 4 to take action against the illegal construction made by the unofficial respondent No.5.

5. There is no denial by the learned Standing Counsel for GHMC with regard to the submission of representations dated 17.09.2021 and 20.10.2021 by the petitioner. Admittedly, no action has been taken on the said representations.

6. It is brought to the notice of this Court that the Deputy Commissioner, Circle 21, Chanda Nagar, West Zone, GHMC, is the concerned authority to take necessary action in the subject matter of the writ petition.

7. Under these circumstances, the petitioner is directed to file a fresh representation before the Deputy Commissioner, Circle 21, Chanda Nagar, West Zone, GHMC, to take necessary action, in respect of subject matter of the writ petition. On filing such an application/representation, the Deputy Commissioner, Circle 21, Chanda Nagar, West Zone, GHMC, is directed to examine and dispose of the same, in accordance with law, within a period of eight(8) weeks from the date of receipt of application/representation, after issuing notice and after affording opportunity of hearing to the interested persons including respondent No.5.

8. 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.

**SD/-T.JAYASREE
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana. Municipality and urban Development, Telangana Secretariat, Hyderabad.
2. GHMC, Represented by its commissioner Domalguda, Hyderabad.
3. Sheri Lingampally Municipal Circle GHMC, Rep. by its Zonal Commissioner.

4. Sheri Lingampally Municipal Circle GHMC, Rep. by its Town Planning Officer
5. G. Sudheer Kumar, S/o. GSN Prasad R/o. H No 101, Urban Heights Apartment, Laxmi Nagar, Miyapur Hyderabad.
6. One CC to SRI. PONNAM MAHESH BABU Advocate [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana. [OUT]
8. One CC to SRI SAMPATH PRABHAKAR REDDY, SC for GHMC. [OPUC]
9. Two CD Copies.
10. One spare copy.

GB

BS *gdt*

HIGH COURT

DATED:10/12/2021

ORDER

WP.No.28350 of 2021



DISPOSING OF THE WP
WITHOUT COSTS

12
16/1/22
HVR