

**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 HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 28979 OF 2012

Between:

J.Madhusudan Rao, S/o J.Prakash Rao, Aged about 57 years, Occ: Business,
R/o.H.No.2-5-13, Ram Nagar, Hanamkonda, Warangal District.

...PETITIONER

AND

1. G.H.M.C., represented by its Commissioner Lower Tankbund, Hyderabad
2. Dy. Commissioner Circle No.11, GHMC, Serilingampally Mandal, R.R. 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 a Writ or any appropriate Writ/s or direction more particularly in the nature of Mandamus to declare the action of the respondent in demolishing the structures over the schedule property i.e. House Property bearing Municipal No.1-60/30/50/136 on plot no 50 admeasuring 120 Sq.Yds situated at Anjaiah Nagar, Gachibowli village, Serilingampally Mandal, R.R.Dist, contrary to the HMC Act as illegal, arbitrary and un-constitutional and consequently direct the Respondents and its official not to demolish the structure raised over the schedule property i.e. House Property bearing Municipal No.1-60/30/50/136 on plot no.50 admeasuring 120 Sq.Yds situated at Anjaiah Nagar, Gachibowli village, Serilingampally Mandal, R.R. District, A.P.

WPMP. NO: 36975 OF 2012

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 Issue interim directions restraining the respondents or its agents, workmen personnel or anybody on behalf of respondent corporation not to demolish the structures raised on the House Property bearing Municipal No.1-60/30/50/136 on plot no.50 admeasuring 120 Sq.Yds situated at Anjaiah Nagar, Gachibowli village, Serilingampally Mandal, R.R. District, A.P. pending disposal of the writ petition

Counsel for the Petitioner: SRI. RAJAGOPALLAVAN TAYI

**Counsel for the Respondents: SRI SAMPATH PRABHAKAR REDDY,
SC FOR GHMC**

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.28979 OF 2012

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 a Writ or any appropriate Writ/s or direction more particularly in the nature of Mandamus to declare the action of the respondent in demolishing the structures over the schedule property i.e., House Property bearing Municipal No.1-60/30/50/136 on plot No.50 admeasuring 120 Sq. Yds. situated at Anjalai Nagar, Gachibowli village, Serilingampally Mandal, Ranga Reddy District, contrary to the HMC Act as illegal, arbitrary and unconstitutional and consequently direct the Respondents and its official not to demolish the structure raised over the schedule property i.e., House Property bearing Municipal No.1-60/30/50/136 on plot No.50 admeasuring 120 Sq. Yds. situated at Anjalai Nagar, Gachibowli Village, Serilingampally Mandal, Ranga Reddy District and be pleased to pass such other order..."

2. Heard the learned counsel for the petitioner, Sri Sampath Prabhakar Reddy, learned Standing Counsel appearing for respondents and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of the house property admeasuring 120 square yards situated at Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, having purchased the same under a registered sale deed dated 27.01.2012 vide document No.930/2012. The respondents issued notice dated 04.06.2012 to the petitioner under Sections 452(1) and 461(1) of GHMC Act directing to show cause as to why action should not be taken to remove, alter or pull down the deviated portion/unauthorised

construction in respect of the subject property. Though the petitioner submitted his explanation to the said show cause notice, the respondents are trying to demolish the structures raised over the subject property without following due process of law.

4. It is brought to the notice of this Court by the learned Standing Counsel for GHMC that an application dated 02.11.2015 was filed by the petitioner to avail BRS scheme during subsistence of the said scheme. A photo copy of the said application is annexed to the counter filed by the respondent corporation.

5. Under these circumstances, the respondent Corporation shall consider the BRS application dated 02.11.2015 of the petitioner and dispose of the same in accordance with law. In case the BRS application of the petitioner is rejected, the respondent corporation is entitled to demolish the unauthorised/illegal structures made by the petitioner in the subject property by following due process of law.

6. With the above observation, this Writ Petition is disposed of.
No costs.

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-K.ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Commissioner, G.H.M.C., Lower Tankbund, Hyderabad
2. The Dy. Commissioner, Circle No.11, GHMC, Serilingampally Mandal, R.R.Dist
3. One CC to Sri Rajagopallavan Tayi, Advocate [OPUC]
4. One CC to Sri Sampath Prabhakar Reddy, SC FOR GHMC [OPUC]
5. Two CD Copies
6. One Spare Copy

CHR

[Signature]

HIGH COURT

DATED:31/12/2021

ORDER

W.P.No.28979 of 2012



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

①
28/1/22
Hvt