

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

WEDNESDAY, THE THIRTIETH DAY OF MARCH  
TWO THOUSAND AND TWENTY TWO

**PRESENT**

**THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO: 9597 OF 2022**

**Between:**

Harriet Sumalika, D/o. Samson Ramakrishnaiah, Aged about 65 years, Occ  
Household, R/o. H.No.3-6-204/2, Himayat Nagar, Hyderabad

**...PETITIONER**

**AND**

1. Greater Hyderabad Municipal Corporation, Rep by its Commissioner,  
Municipal Complex, Tank Bund Road, Hyderabad.
2. The Deputy Commissioner, Central Zone, Greater Hyderabad Municipal  
Corporation, Circle No. 16, Hyderabad
3. Assistant City Planner, Circle No.16, Greater Hyderabad Municipal  
Corporation, Hyderabad
4. J. Sunanda Solomon, W/o. Sri Jella Solomon Raj, R/o. H.No. 3-6-204/4,  
Himayat Nagar, 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 any writ, or order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the Respondent No. 1 to 3 in not considering the petitioner's representation dated 05-02-2022, not initiating any action against the illegal construction carried by the Respondent No.4 and thereby not cancelling the building permission given to the Respondent No.4 vide permit No. 3/C16/0897/2021 vide File No. 3/C16/08360/2021 dated 30-06-2021 issued in respect of H. No. 3-6-204/1, on Plot No.3 (actually carrying the construction in respect of D. No. 3-6-204/4 basing on building permit dated 30-06-2021), Street No.15, Himayat Nagar, Hyderabad as being arbitrary, illegal, perverse and void being in derogation of Article 14, 19, 21 and 300-A of the Constitution of India, besides in violation of section 450 of the Greater Hyderabad Municipal Corporation Act, 1955 and Rules there under and consequently direct

the Respondents No. 1 to 3 to initiate forthwith action on the representation of the Petitioner dated 05/02/2022 and thereby cancel the building permission dated 30-06-2021 vide permit No. 3/C16/0897/2021 vide File No. 3/C16/08360/2021 issued in favour of the Respondent No.4 in respect of H. No. 3-6-204/1, on Plot No.3 (actually carrying the construction in respect of D. No. 3-6-204/4 basing on building permit dated 30-06-2021), Street No.15, Himayat Nagar, Hyderabad.

**IA NO: 1 OF 2022.**

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. 1 to 3 to restrain the Respondent No.4 from raising any further structures basing on the building permit dated 30-06-2021 vide permit No.3/C16/0897/2021 vide File No. 3/C16/08360/2021 on the property of H. No. 3-6-204/1, on Plot No.3 (actually carrying the construction in respect of D. No. 3-6-204/4 basing on building permit dated 30-06-2021), Street No.15, Himayat Nagar, Hyderabad, pending disposal of writ petition, in the interest of justice.

**IA NO: 2 OF 2022**

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 suspend the building permission dated 30-06-2021 vide permit No. 3/C16/0897/2021 vide File No.3/C16/08360/2021 issued in favour of the Respondent No.4 in respect of H. No. 3-6-204/1, on Plot No.3 (actually carrying the construction in respect of D. No. 3-6-204/4 basing on building permit dated 30-06-2021), Street No.15, Himayat Nagar, Hyderabad, pending disposal of Writ Petition.

**IA NO: 3 OF 2022**

**Between:**

J. Sunanda Solomon, W/o. Sri Jella Solomon Raj, Aged about 86 years, Occ:  
Retired Teacher, R/o. H.No. 3-6-204/4, Himayat Nagar, Hyderabad

...Petitioner/Respondent No.4

**AND**

1. Harriet Sumalika, D/o. Samson Ramakrishnalah, Aged about 65 years, Occ Household, R/o. H.No.3-6-204/2, Himayat Nagar, Hyderabad

...Respondent/ Petitioner

2. Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Municipal Complex, Tank Bund Road, Hyderabad.
3. The Deputy Commissioner, Central Zone, Greater Hyderabad Municipal Corporation, Circle No. 16, Hyderabad
4. Assistant City Planner, Circle No.16, Greater Hyderabad Municipal Corporation, Hyderabad

...Respondents/Respondents

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 vacate the status Quo order granted in IA.NO. 1 of 2022 in W.P.No. 9597 of 2022.

**Counsel for the Petitioner: SRI. DIDA VIJAYA KUMAR**

**Counsel for the Respondent No's. 1 to 3: SRI. PASHAM KRISHNA REDDY(SC FOR GHMC)**

**Counsel for the Respondent No.4:SRI P.SHARAD KUMAR**

**The Court made the following: ORDER**

**THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI**

**W.P.No.9597 of 2022**

**ORDER**

This writ petition is filed questioning the action of respondent Nos.1 to 3 in not considering the representation of petitioner dated 05.02.2022 and not initiating any action against the illegal construction carried by respondent No.4 and thereby not cancelling the building permission given to respondent No.4 vide permit No.3/C16/0897/2021 in File No.3/C16/08360/2021 dated 30.06.2021 issued in respect of H.No.3-6-204/1 on Plot No.3 (actually carrying the construction in respect of D.No.3-6-204/4 basing on building permit dated 30.06.2021, Street No.15, Himayat Nagar, Hyderabad, as illegal and arbitrary.

2. Heard learned counsel for the petitioner Mr. D. Vijaya Kumar, Mr.Pasham Krishna Reddy, learned Standing Counsel for respondent Nos.1 to 3. Mr. P. Sharad Kumar, learned counsel appearing for respondent No.4.

3. Learned counsel for the petitioner submits that as the respondents have failed to consider the representation of petitioner dated 05.02.2022, he has approached this Court by filing this writ petition.

4. At the admission stage, this Court has granted interim order of *status quo* on 23.02.2022 and directed that the matter be listed on 09.03.2022 for filing counter.

5. Learned Standing Counsel has filed counter, wherein it is stated that unofficial respondent No.4 has shown the front side abutting road/lane shown as 4.50 mtr and proposed road is 9.00 metre, but in the proposed building plan, the road affected area is not shown in the permission obtained. It is stated that the respondent Corporation has issued a show cause notice under Section 450 of HMC Act dated 02.03.2022 to unofficial respondent No.4 to submit his explanation, failing which the building permission will be revoked.

6. Learned counsel for petitioner No.4 submits that in view of the orders passed by this Court on 23.02.2022, the construction activities are stalled. He submits that as stated by petitioner, there are no illegal constructions carried out by respondent No.4. Learned counsel submits that respondent No.4 has not received any notice from the respondent Corporation.

7. In the facts and circumstances, this Court deems it appropriate to dispose of the Writ Petition directing the respondents to issue a notice to respondent No.4 within one week from today, and on receipt of such notice, respondent No.4 shall give his explanation within one week thereafter, and after receipt of the explanation, the respondent-Corporation shall pass appropriate orders within one week thereafter.

by affording an opportunity of hearing both parties. Till such time, respondent No.4 shall not make any constructions in the subject property. The entire exercise shall be completed within the time frame.

8. With the said directions, the Writ Petition is disposed of. No order as to costs.

9. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

SD/-I.NAGALAKSHMI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, Municipal Complex, Tank Bund Road, Hyderabad.
2. The Deputy Commissioner, Central Zone, Greater Hyderabad Municipal Corporation, Circle No. 16, Hyderabad
3. The Assistant City Planner, Circle No.16, Greater Hyderabad Municipal Corporation, Hyderabad
4. One CC to SRI. DIDA VIJAYA KUMAR Advocate [OPUC]
5. One CC to SRI. PASHAM KRISHNA REDDY (SC FOR GHMC), Advocate [OPUC]
6. One CC to SRI. P.SHARAD KUMAR, Advocate [OPUC]
7. One CC to SRI. DAMODER MUNDRA, Advocate [OPUC]
8. Two CD Copies.
9. One Spare Copy.

GB

SW



HIGH COURT

DATED:30/03/2022

ORDER

WP.No.9597 of 2022



DISPOSING OF THE WP  
WITHOUT COSTS.

*mrc*  
*12-5-22* (10)