

**HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION Nos.12153 and 10924 of 2022**

**COMMON ORDER:**

Writ Petition No.12153 of 2022 is filed seeking the following relief:

“ ... to issue an appropriate Writ Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.2 in issuing the impugned Notice No. 01/TP/BJMC/2022-23 dt.02.03.2022 threatening to remove the unauthorized construction/deviated portion in the residential building constructed in Plot No.25 in Sy.No.150/Part, situated at Kismathpur village, under Bandlaguda Jagir Municipal Corporation, Gandipet Mandal, R.R.District, without any prior notice and without following the procedure contemplated under the Statute, as being illegal, arbitrary, unjust and unilateral and consequently set aside the same, and to grant such other relief or reliefs as this Honorable Court deems fit and proper in the circumstances of the case.”

Writ Petition No.10924 of 2022 is filed seeking the following relief:

“ ... to pass an Order or direction or Writ, more particular a Writ in the nature of writ of mandamus declaring the inaction of the respondent no.2 and 3 in not taking steps against the respondent no.4 and 5 against illegal construction without following sanctioned plan by encroaching into the land and by projecting balcony roof into the petitioner's house site bearing D.No.4-129/23/1, Satyanarayana Colony, Kismatpur, Gandipet Mandal, R.R.District without leaving setbacks as illegal, arbitrary, contrary to law, judicial precedents and fundamental rights, Act and rules as being violative of petitioner's right under Articles 14 and 21 of the Constitution of India and consequently direct the respondent no.2 to 3 to initiate to remove the illegal constructions and encroachment made by the respondent no.4 and 5 in respect of petitioners property at D.No.4-129/23/1, Satyanarayana Colony, Kismatpur, Gandipet Mandal, R.R. District and pass such other order or orders as may be deemed fit and proper in the circumstances of the case in the interests of justice.”

2. Sri K.Ratna Sagar, learned counsel for the petitioner in W.P.No.10924 of 2022, submits that the petitioner has given a representation to take appropriate action on the illegal construction made by the unofficial respondents, but no action has been taken. Hence, the petitioner has come up before this Court.

3. Sri N.Praveen Kumar, learned Standing Counsel, submits that on 02.03.2022 a notice was given to the unofficial respondents. He submits that questioning the said show-cause notice, the unofficial respondent has filed W.P.No.12153 of 2022 before this Court.

4. Sri P.Chandra Reddy, learned counsel for the petitioner in W.P.No.12153 of 2022, submits that without issuing any show-cause notice straightaway the official respondents have issued the notice dated 02.03.2022 directing the petitioner to remove the unauthorized construction/deviated portion or else action will be initiated as per Section 178 of Telangana Municipalities Act, 2019. He submits that the official respondents ought to have issued a notice before directing the

petitioner to remove the construction.

5. Accordingly, W.P.No.12153 of 2022 is disposed of directing the petitioner in W.P.No.12153 of 2022 to treat the impugned notice dated 02.03.2022 as a show-caused and shall submit her explanation within a period of two weeks from the date of receipt of a copy of this order and thereafter, the respondent Corporation shall pass appropriate orders within a period of three weeks. The entire exercise shall be completed within a period of five weeks.

6. In view of the orders passed in W.P.No.12153 of 2022, no further orders are required to be passed in W.P.No.10924 of 2022. Accordingly, W.P.No.10924 of 2022 is disposed of. No order as to costs.

Miscellaneous applications, pending if any, in both the writ petitions shall stand closed.

**LALITHA KANNEGANTI, J**

July 29, 2022

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