

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

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

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 14777 OF 2022

Between:

Amzad Ali Mohammad Ali Syed, S/o Ali Syed, Aged about 49 years, Occupation : Private Employee, H No 6-1-101/3 A Panchasheel Colony, back side of Pol Bal, Hanuman Temple, Padmarao Nagar, Secunderabad.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary MA and UD, TS Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, GHMC, represented by The Commissioner, Lower Tank Bund Road, Hyderabad.
3. The Zonal Commissioner, Begumpet Municipal Circle, GHMC, Circle 30, Secunderabad.
4. The Assistant City Planner, Office of The Zonal Commissioner, Begumpet Municipal Circle No 30, GHMC, Near, Maredpally Court, Secunderabad.
5. Pahtikoti Nageshwara Rao, S/o not known To Petitioner, Occ : Business, R/o H. No 6-1-96/3, Musheerabad Road, Padmarao Nagar, Secunderabad.
6. Pahtikoti Ram Mohan, S/o not known to Petitioner, Occ. Business, R/o H. No 6-1-96/2, Musheerabad Road, Padmarao Nagar, Secunderabad.

...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 an appropriate writ, order or direction more in the nature of Mandamus, declaring the inaction of respondents more particularly that of respondents 3 and 4 in not initiating any action on my on-line complaint dated 05.02.2022 against respondents 5 and 6 and a written complaint dated 02.03.2022 who are making illegal constructions over and above adjoining Plots with H.Nos 6- 1-96/2 and 6-1-96/3, Musheerabad Road, Padmarao Nagar, Secunderabad in deviation to sanction plans vide Permit No s 3/C30/07701/2021 and 3/C30/07702/2021 dated 19.06.2021 by constructing 2 additional floors by joining both the permits that too during Lockdown period, having obtained the

permit for construction of Stilt plus 2 floors have constructed 2 additional floors illegally as on now totally constructed 5 floors in a meager extent of about 300 square yards that too during Lockdown period, encroaching upon public way contrary to the Judgment of Honorable Supreme Court of India in Civil Appeal No 33471/11 dated 29.02.2012 as being as being Illegal, Arbitrary Un Constitutional, being violative of Articles 21 and 300A, against the Letter and spirit of Catena of Judgments rendered by this Honorable Court as well that of Honorable Supreme Court of India, more particularly that of the interim orders of this Honorable Court in WP (PIL) 20 & 21 of 2019 apart from being violative of principles of natural Justice and Fair play, and consequently demolish the illegal structure raised and pass.

I.A.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 respondents 2 to 4 to ensure action on respondents 5 and 6 from proceeding any further with illegal construction over and above the Plot with H No s 6-1-96/2 and 6-1-96/3, Musheerabad Road, Padmarao Nagar, Secunderabad in deviation to sanction plan vide Permit Nos. 3/C30/07701/2021 and 3/C30/07702/2021 dated 19.06.2021 pending the disposal of present writ petition.

Counsel for the Petitioner : SRI.IMMANENI RAMA RAO

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

Counsel for the Respondent Nos.2 to 4 : SRI.CHATLA MADHU

Counsel for the Respondent No.5 & 6 : NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 14777 of 2022

ORDER:

This Writ Petition is filed questioning the action of respondent Nos.3 and 4 in not initiating any action on the on-line application dated 05.02.2022 submitted by the petitioner and a written complaint dated 02.03.2022, against respondent Nos.5 and 6, who are making illegal constructions over and above adjoining Plots with H.No.6-1-96/2 and 6-1-96/3, Musheerabad Road, Padmarao Nagar, Secunderabad, in deviation to the sanctioned plan.

2. Mr.Rama Rao Immaneni, learned counsel for the petitioner, submits that the petitioner made representations to respondent Nos.3 and 4 stating that the unofficial respondents have obtained permission for construction of residential house stilt + 2 floors and going to construct additional two floors by joining both the permits and in deviation of the sanctioned plan. In spite of the said representation given by the petitioner, the respondent authorities are not acting on it and not taking action against the unofficial respondents.

3. Mr.Chatla Madhu, learned Standing Counsel for GHMC, submits that the respondent authorities will consider the representation of the petitioner and pass necessary orders, in accordance with law, within 15 days from day.

4. Recording the submission of the learned Standing Counsel, this Writ Petition is disposed of directing the respondent authorities to consider the representations submitted by the petitioner and pass necessary orders thereon, in accordance with law, preferably within a period of 15 days from today. No order as to costs.

Miscellaneous Applications, pending if any, shall stand closed.

//TRUE COPY//

SD/-G.SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, MA and UD, TS Secretariat, State of Telangana, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, GHMC, Lower Tank bund road, Hyderabad.
3. The Zonal Commissioner, Begumpet Municipal Circle, GHMC, Circle 30, Secunderabad.
4. The Assistant City Planner, Office of The The Zonal Commissioner, Begumpet Municipal Circle No 30, GHMC, Near, Maredpally Court, Secunderabad.
5. Two CCs to GP FOR MCPL ADMN AND URBAN DEV, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to SRI.IMMANENI RAMA RAO, Advocate [OPUC]
7. One CC to SRI.CHATLA MADHU, Advocate (OPUC)
8. Two CD Copies
9. One spare copy

S.A
SB

[Signature]



HIGH COURT

DATED:23/03/2022

ORDER

WP.No.14777 of 2022



DISPOSING OF THE W.P

WITHOUT COSTS.

⑪ VLV
17/5/22