

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

**THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 17496 OF 2022

Between:

Gujarathi Kiran, S/o. Late Laxman, aged about 54 years, Occ. Pvt Serive, R/o.
Flat No. 112, Uber Heights, Kondapur, Hyderabad.

...PETITIONER

AND

1. State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The Tahsildar, Nirmal Mandal, Nirmal District.
3. Municipal Commissioner, Nirmal Municipality, Nirmal town and District.
4. Gangadhar Shivar, S/o. G. Sattaiah, Aged about. 39 years, Occ. Pvt employee. H.No. 6-1-77, Chintakuntawada, Nirmal Town and Nirmal 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 Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not taking action against the 4th respondent who is constructing the House/Mulgies in the Government land (Kandakam) admeasuring approximately 50 Sq.yds adjacent to (North East Corner) Petitioners Plot No. 15 situated in Survey No. 1672 of Nirmal town, Near Krishna Temple, Nirmal District duly considering the representation made by the petitioner latest one is dated 21-3-2022 as illegal, arbitrary and unconstitutional and consequently direct the respondent 3rd respondent to take action against the 4th respondent who is constructing the House/Mulgies in the Government land (Kandakam) admeasuring approximately 50 Sq.yds adjacent to (North East Corner) Petitioners Plot No. 15 situated in Survey No. 1672 of Nirmal town, Near Krishna Temple, Nirmal District duly considering the representation made by the petitioner latest one is dated 21-3-2022.

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 3rd respondent to take action against 4th respondent restraining him from proceeding with the construction on Government land (Kandakam) admeasuring approximately 50 Sq.yds adjacent to (North East Corner) Petitioner's Plot No. 15 situated in Survey No. 1672 of Nirmal town, Near Krishna Temple, Nirmal District pending writ petition.

Counsel for the Petitioner : SRI. V RAMESH REDDY

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

Counsel for the Respondent No.2 : GP FOR REVENUE

Counsel for the Respondent No.3 : N PRAVEEN KUMAR (SC FOR MUNICIPALITY)

Counsel for the Respondent No.4 : -----

The Court made the following: ORDER

THE HONORABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.17496 of 2022

ORDER

This writ petition is filed questioning the action of respondent No.3 in not taking any action against respondent No.4, who is constructing the house/mulgies in the Government land (Kandakam) admeasuring approximately 50 sq. yards adjacent to (North East Corner) petitioner's plot No.15 situated in Sy.No.1672 of Nirmal Town, near Krishna Temple, Nirmal District, duly considering the representation of petitioner dated 21.03.2022, as illegal and arbitrary.

2. Heard learned counsel for the petitioner Mr. V. Ramesh Reddy, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, learned Government Pleader for Revenue for respondent No.2 and Mr. N. Praveen Kumar, learned Standing Counsel for respondent No.3.

3. Learned counsel for the petitioner submits that when the unofficial respondent No.4 is making constructions by encroaching the Government land, the petitioner has made repeated representations, but the respondents have failed to take any action and hence, he is constrained to approach this Court.

4. Learned Standing Counsel for respondent No.3 submits that earlier, permission was granted to the unofficial respondent No.4 and

then, they came to notice that the subject land is a Government Land and they have revoked the said permission and the construction was also stopped.

5. In response to the same, learned counsel for petitioner submits that the unofficial respondent has only dug pits, except that there is no other construction.

6. Recording the submission of the learned Standing Counsel, the Writ Petition is disposed of, directing the respondents to take appropriate steps to clear the unauthorized constructions and restore the land in accordance with law. No order as to costs.

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

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, State of Telangana, Secretariat, Hyderabad.
2. The Tahsildar, Nirmal Mandal, Nirmal District.
3. Municipal Commissioner, Nirmal Municipality, Nirmal town and District.
4. One CC to SRI. V RAMESH REDDY, Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana AT HYDERABAD. [OUT]
6. One CC to SRI. N PRAVEEN KUMAR (SC FOR MUNICIPALITY), [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana AT HYDERABAD. [OUT]
8. Two CD Copies
9. One spare copy

GK
MMA

n

HIGH COURT

DATED:07/04/2022



ORDER

WP.No.17496 of 2022

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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PM
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