

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

**MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 18055 OF 2022

Between:

1. Smt. Merugu Sravanthi, W/o. Kanakaiah aged about 34 years, Occp. House Wife R/o. H.No.3-2-92, Paida Bazar, Thilak Nagar, Peddapalli, Peddapalli District
2. Sri. Merugu Kanakaiah, S/o. Rajaiah aged about 38 years, Occp. Business R/o. H.No.3-2-92, Paida Bazar, Thilak Nagar, Peddapalli, Peddapalli District.

...PETITIONERS

AND

1. The State of Telangana, R/by. its Principal Secretary Municipal Administration Secretariat Hyderabad.
2. The District Collector, Peddapalli, Peddapalli District.
3. The Peddapalli Municipality, R/by. its Commissioner, Peddapalli, Peddapalli Municipality, Peddapalli 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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS by restraining the interference of 3rd Respondent from peaceful construction in petitioner Property in Plot No.7 of Sy.No.688 situated at Bhoomnagar Locality of Peddapalli V/o. Peddapalli (M) Peddapalli Municipality, Peddapalli District, even after having obtained legal construction permission through TS.Bpass and after showing the same to Respondent No.3, the interference of 3rd Respondent is illegal, arbitrary, contrary to law, discriminatory and violation of principles of natural Justice.

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.3 to consider the application made by the petitioner dt.30.3.2022 and not to interfere with the peaceful construction of my plot pending disposal of the main Writ petition.

Counsel for the Petitioners:SRI. ANIRUDH THIMMARAJU

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: SRI. N.PRAVEEN KUMAR(SC FOR MC)

The Court made the following: ORDER

THE HONORABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.18055 of 2022

ORDER

This writ petition is filed questioning the action of respondent No.3 in interfering with the constructions made by petitioners in Plot No.7 in Sy.No.688, situated at Bhoomnagar Locality of Peddapalli Village and Mandal, Peddapalli Municipality, Peddapalli District, even after obtaining legal construction permission through TS-bPASS, as illegal and arbitrary.

2. Heard learned counsel for the petitioners Mr. A. Thimmaraju, 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 petitioners submits that the vendor of the petitioners has obtained permission with approved plan for construction of ground + 2 floors from respondent No.3 vide TS-bPASS and Instant Approval dated 23-07-2021 and 07-08-2021 respectively, by paying the requisite fee and thereafter, the petitioners have purchased the said property jointly through registered sale deed dated 13.09.2021. He further submits that when the petitioners have started construction, the officials of respondent No.3 are interfering with

the said construction activity and hence, the petitioners are constrained to approach this Court.

4. Learned Standing Counsel for respondent No.3 submits that the petitioners have already laid 1st floor in the subject property and without leaving the setbacks, they are going ahead with the said construction activity. He submits that respondent No.3 will issue notice to petitioners and take appropriate action in accordance with law.

5. Recording the submission of the learned Standing Counsel, the Writ Petition is disposed of, directing the respondents not to interfere with the possession of petitioners over the subject property without following due process of law. No order as to costs.

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

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration, State of Telangana, Secretariat Hyderabad.
2. The District Collector, Peddapalli, Peddapalli District.
3. The Commissioner, Peddapalli Municipality, Peddapalli, Peddapalli Municipality, Peddapalli District.
4. One CC to SRI. ANIRUDH THIMMARAJU Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. One CC to SRI. N.PRAVEEN KUMAR(SC FOR MC), Advocate [OPUC]
8. Two CD Copies.
9. One Spare Copy.

GB
BS

Handwritten signature/initials

HIGH COURT

DATED:11/04/2022



ORDER

WP.No.18055 of 2022

DISPOSING OF THE WP
WITHOUT COSTS.

12
7/6/22
HLL