

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

THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 18904 OF 2022

Between:

1. Smt. V. Bhagya Sree, W/o. Sri V. Venu Gopal, Aged 56 years, Occ. House wife, R/o. Flat No. 101, are residents of Olive Avenue, Plot No. CRL 8, Vivekananda Nagar, Kukatpally, Hyderabad - 72.
2. B.P. Meena, W/o. Sri B. Shiva Reddy, Aged 52 years, Occ. House wife, R/o. Flat No. 201,
3. B. Mary Manjula, W/o. B. Vinod Reddy, Aged. 45 years, Occ. House wife, R/o. Flat No. 301
4. B. Chennakesava Reddy, S/o. B. Ram Reddy, Aged. 45 years, Occ. Business, R/o. Flat No. 501, All are residents of Olive Avenue, Plot No. CRL 8, Vivekananda Nagar, Kukatpally, Hyderabad - 72.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, MA and UD, BRK Bhavan, Secretariat, Hyderabad 500 022.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, GHMC, Tank bund Road, Hyderabad-500 022.
3. The Deputy Commissioner of GHMC, Circle - 24, Kukatpally GHMC, Medchal-Malkajgiri District.
4. The Assistant City Planner of GHMC, Circle 24, Kukatpally GHMC, Medchal-Malkajgiri District.
5. B. Radha Krishna, S/o. Aged about 65 years, Occ. Retired Employee, R/o. Flat No. 401, Olive Avenue, Plot No. CRL 8, Vivekananda Nagar, Kukatpally, 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 an order or a direction or a Writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 3 and 4 contemplating to demolish the Watchman Room constructed in the Stilt Area of OLIVE AVENUE Apartments constructed in 2008 on Plot No. 8 in Sy. No. 57 and 58 of Baghameer

vide notice No.303/UC/W.No 122/Cir/24/KZ/ GHMC/2022 dated. 07.04.2022 issued under Sec. 636 of HMC Act in spite of BPS Proceedings No. 25341/BP/Cir.No.14/W.Z/08, dated. 12.07.2010 issued by the 2nd. Respondent, as highly illegal, arbitrary, capricious, contrary to Law and the Provisions of HMC Act, and consequently to set aside the same

IA NO: 2 OF 2022

Between

B. Radha Krishna, S/o. Aged about 65 years, Occ.Retired Employee, R/o. Flat No. 401, Olive Avenue, Plot No. CRL 8, Vivekananda Nagar, Kukatpally, Hyderabad.

...PETITIONER/5TH RESPONDENT

And

1. Smt. V. Bhagya Sree, W/o. Sri V. Venu Gopal, Aged 56 years, Occ. House wife, R/o. Flat No. 101,are residents of Olive Avenue, Plot No. CRL 8,Vivekananda Nagar, Kukatpally, Hyderabad - 72.
2. B.P. Meena, W/o. Sri B. Shiva Reddy, Aged.52 years, Occ. House wife, R/o. Flat No. 201, R/o. Flat No. 301,Olive Avenue, Plot No.CRL 8, Vivekananda Nagar, Kukatpaaly, Hyderabad.72.
3. B. Mary Manjula, W/o. B. Vinod Reddy, Aged. 45 years, Occ. House wife, R/o. Flat No. 301,Olive Avenue, Plot No.CRL 8, Vivekananda Nagar, Kukatpaaly, Hyderabad.72.
4. B. Chennakesava Reddy, S/o. B. Ram Reddy, Aged. 45 years, Occ. Business, R/o. Flat No. 501, All are residents of Olive Avenue, Plot No, CRL 8, Vivekananda Nagar, Kukatpally, Hyderabad - 72.

**...RESPONDENTS/
PETITIONERS**

5. The State of Telangana, Rep. by its Principal Secretary, MA and UD, BRK Bhavan, Secretariat, Hyderabad 500 022.
6. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, GHMC, Tank bund Road, Hyderabad-500 022.
7. The Deputy Commissioner of GHMC, Circle - 24, Kukatpally GHMC, Medchal-Malkajgiri District.
8. The Assistant City Planner of GHMC, Circle 24, Kukatpally GHMC, Medchal-Malkajgiri District.

**....RESPONDENTS/
RESPONDENTS 1 to 4**

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 interim order dated 08/04/2022 in W.P.No. 18904 of 2022 pending disposal of the writ petition

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 Respondents 2 and 3 not to demolish the watchman room constructed in the Stilt area of Olive Avenue Apartments in Plot No. 8 in Sy. No. 57 and 58 of Baghameer pursuant to notice No.303/UC/W.No.122/Cir/24/KZ/GHMC/2022 dated. 07.04.2022 as otherwise the Petitioner will suffer loss and injury.

Counsel for the Petitioners : SRI. SUBRAHMANYAM KURELLA

Counsel for the Respondents No 1 : GP MUNICIPAL ADMN AND URBAN DEV

Counsel for the Respondents No 2 to 4 : SRI. P.SAMPATH PRABHAKAR REDDY (SC FOR GHMC)

Counsel for the Respondents No 5 : SRI A NARASIMHA RAO

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.18904 of 2022

ORDER

This writ petition is filed with the following prayer;

"to issue an order or a direction or a writ more particularly one in the nature of writ of mandamus declaring the action of respondent Nos.3 and 4 contemplating to demolish the watchman room constructed in the stilt area of Olive Avenue Apartments constructed in 2008 in Plot No.8 in Sy.Nos.57 and 58 of Baghameer vide Notice No.303/UC/W.No.122/Cir/24/KZ/GHMC/2022 dated 07-04-2022 issued under Section 636 of HMC Act in spite of BPS Proc.No.25341/BP/Cir.No.14/W,Z/08, dated 12-07-2010 issued by the 2nd respondent as highly illegal, arbitrary, capricious, contrary to law and the provisions of HMC Act and consequently to set aside the same".

2. Learned counsel for the petitioners Mr. Subrahmanyam Kurella submits that the respondents have issued a notice to the petitioners proposing to demolish the room in the apartment which is used as watchman room and the same is constructed by the builder. He submits that the said building was regularized in the year 2010 and now, after a lapse of several years, the respondents are coming up with a plea that it is an unauthorized construction. He submits that after such a long lapse of time and after regularization of the building, it is not open for the respondents to say that it is an unauthorized construction and hence, the petitioners have come up before this Court.

3. Learned Standing Counsel Mr. Sampath Prabhakar Reddy submits that even as per the LRS proceedings of 2010 also, the stilt

floor area is meant for parking and even in the regularization proceedings, there is no such structure in the apartment. He submits that the said portion is constructed thereafter unauthorizedly and the respondent Corporation has issued notices under Sections 452(1) and 461 and also under Section 636 of Hyderabad Municipal Corporation Act and there is no illegality in issuing the impugned notice.

4. Learned counsel for the unofficial respondent No.5 Mr. A. Narasimha Rao submits that the petitioners are residents of the said apartment and unauthorizedly a room was constructed by obstructing the car parking. He submits that because of the room that is constructed, parking area is reduced and it is creating lot of inconvenience to the residents.

5. Admittedly, for construction of a watchman room, as per the material available on record, there is no permission and it is an unauthorized construction and the respondent Corporation has already issued notices to the petitioners. Hence, this Court finds that there is no need to interfere with the impugned notice.

6. Accordingly, the Writ Petition is dismissed. No order as to costs.

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

//TRUE COPY//

SD/-K.VENKAIAH
ASSISTANT REGISTRAR
SECTION OFFICER

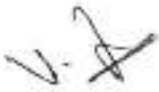
To,

1. The Principal Secretary, MA and UD, BRK Bhavan, Secretariat, State of Telangana Hyderabad 500 022.
2. The Commissioner, Greater Hyderabad Municipal Corporation, GHMC, Tank bund Road, Hyderabad-500 022.

3. The Deputy Commissioner of GHMC, Circle - 24, Kukatpally GHMC, Medchal-Malkajgiri District.
4. The Assistant City Planner of GHMC, Circle 24, Kukatpally GHMC, Medchal-Malkajgiri District.
5. One CC to SRI. SUBRAHMANYAM KURELLA Advocate [OPUC]
6. One CC to SRI. A NARASIMHA RAO, Advocate [OPUC]
7. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV(AP) ,High Court for the State of Telangana. [OUT]
8. Two CD Copies
9. One spare copy

SW

SB



HIGH COURT

DATED:04/08/2022



ORDER

WP.No.18904 of 2022

**DISMISSING OF THE WRIT PETITION
WITHOUT COSTS.**

①
VW
2/9/22