

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

**THURSDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNegANTI

WRIT PETITION NO: 19642 OF 2022

Between:

Kolan Rajavardhan Reddy, S/o. K. Malta Reddy, aged about 39 years, Occ ;
Business, R/o.H.No.1-20/4, Gurramguda village, Balapur Mandal, Ranga Reddy
District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal
Administration Department, Secretariat, Hyderabad.
2. The Badangpet Municipal Corporation, rep. by its Commissioner, Badangpet,
Ranga Reddy District.
3. Aravinda Nagar Colony, Residents Welfare Association, Regd No.731/2020
Having its Office at 481/W/P Gaddam's Enclave, Phase – II, Guramguda
Village, Balapur Mandal, Ranga Reddy District rep by its Banavath Deepla,
S/o. Banavath Surya, aged 37 years, Occ : Employee, R/o.H.No.1-32,
Naidupalem, Hajarigudem, Perur, Nalgonda District.

(R – 3 is impleaded as per Court Order dated 08-09-2022 in I.A.No.2 of 2022)

...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 direction more particularly one in the nature of Writ of
Mandamus declaring the action of the 2nd respondent in interfering and causing
damage to the house property of the petitioner bearing No.3-148/441/1
constructed on plot No. 441/A, admeasuring 200 Sq. Yards in Sy. No. 93, 94 and
95 at Gurramguda H/o. Nadargula village, Balapur Mandal, Ranga Reddy District
without following due process of law and without giving notice and opportunity to
the petitioner, as illegal, unlawful, contrary to law and consequently direct the 2nd
respondent not to interfere with the possession and enjoyment of the petitioner
over the above house property without notice and opportunity and without
following due process of law.

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 the 2nd respondent not to interfere with the peaceful possession and enjoyment of petitioner over the house property bearing No. 3-148/441/1 constructed on plot No. 441/A, admeasuring 200 Sq. Yards in Sy. No. 93, 94 and 95 at Gurramguda H/o. Nadergula village, Balapur Mandal, Ranga Reddy District.

Counsel for the Petitioner : SRI.M.DAMODAR REDDY

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

Counsel for the Respondent No.2 : SRI.N.PRAVEEN KUMAR

Counsel for the implead Respondent No.3 : SRI.MOHAMMED ZUBAIL AKRAM

The Court made the following ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.19642 of 2022

ORDER:

This writ petition is filed seeking the following relief:

" to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in interfering and causing damage to the house property of the petitioner bearing No.3-148/441/1 constructed on plot No.441/A, admeasuring 200 Sq. Yards in Sy. No. 93, 94 and 95 at Gurranguda H/o.Nadargula village, Balapur, Mandal Ranga Reddy District without following due process of law and without giving notice and opportunity to the petitioner, as illegal, unlawful, contrary to law and consequently direct the 2nd respondent not to interfere with the possession and enjoyment of the petitioner over the above house property without notice and opportunity and without following due process of law..."

2. Sri M.Damodar Reddy, learned counsel for the petitioner submits that the 2nd respondent is interfering and causing damage to the petitioner's subject property. He submits that the petitioner has purchased the property way of a registered agreement of sale-cum-General Power of Attorney dated 23.08.2018 from one B.Srinivas Reddy. The vendor of the petitioner has purchased the property from one A.Venkat Reddy and others on 24.04.2017. The petitioner is in possession of the property being the absolute owner. The 2nd respondent Municipal Corporation, without following due process of law, came to the property of the petitioner on 04.04.2022 and demolished the part of the property and has been trying to remove the total house, without giving any notice and opportunity and also

without following due process of law. He further submits that the petitioner has filed O.S.No.542 of 2021 on the file of the Junior Civil Judge's Court, Ranga Reddy District, seeking perpetual injunction against the 2nd respondent and the said suit is pending adjudication.

3. When the matter came up on 19.04.2022, this Court has granted an order of *status quo* and directed the 2nd respondent to file counter-affidavit.

4. A counter-affidavit has been filed by the 2nd respondent, Sri N.Praveen Kumar, learned Standing Counsel, submits that the petitioner has suppressed the fact that in the suit, he has filed I.A. seeking interim injunction and the said I.A. was dismissed by the trial Court on 27.12.2021. Suppressing the said fact, the petitioner has filed this writ petition. He submits that having filed suit and having failed to get the injunction, the petitioner has approached this Court. Hence, this writ petition is liable to be dismissed for suppression of material facts.

5. Sri Mohammed Zubail Akram, learned counsel for respondent No.3, submits that the petitioner is trying to make construction in the

park and is trying to occupy the open space. The petitioner has already filed a suit against the 2nd respondent and he was unsuccessful in getting injunction order.

6. The petitioner has come up before this Court suppressing the fact that I.A. seeking interim injunction is dismissed, which is a material fact, and the petitioner cannot be permitted to take the course of law for a ride and for granted. Hence, this Court finds no reason to interfere

7. In the facts and circumstances and for suppressing the material fact and coming up before this Court, this writ petition is dismissed with costs of Rs.10,000/- (Rupees ten thousand only) payable by the petitioner to the High Court Legal Services Committee, Hyderabad, within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous applications, pending if any, shall stand closed.

SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Two CCs to GP FOR MCPL ADMN AND URBAN DEV, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI.M.DAMODAR REDDY, Advocate [OPUC]
3. One CC to SRI.N.PRAVEEN KUMAR, Advocate [OPUC]
4. One CC to SRI.MOHAMMED ZUBAIL AKRAM, Advocate [OPUC]
5. Two CD Copies
6. One spare copy

S.A.

HIGH COURT

DATED:08/09/2022

ORDER

WP.No.19642 of 2022



DISMISSING THE W.P
WITHOUT COSTS.

8
29/9/22
HVS