

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

**THURSDAY, THE TWENTY SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 24031 OF 2022

Between:

Smt. T.Geetha Sree, W/o.T.S. Ravi Kumar, Aged about 52 years, R/o. Villa No.62, Sun City, Bandlaguda, Hyderabad

...PETITIONER

AND

1. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund Road, Hyderabad
2. The Assistant Commissioner, GHMC, Circle - 13, Karwan, Hyderabad.
3. Dr.K.B.Chandranouli, R/o.H.No.13-6-445/A/4, Ring Road, Gudimalkapur, Pillar No.86, 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 a Writ or order or direction, more particularly one in nature of Writ of Mandamus, declaring the action of the respondents 1 and 2 in causing demolition of the shop in premises bearing No.13-6- 438/2/9, Jaffarguda, Gudimalkapur, Hyderabad, in which the petitioner is running a licensed wine shop in the name of Sri Vaishnavi Wines, on 16.05.2022, without notice to the petitioner and without following the provisions of Sec.452 and 636 of GHMC Act, as illegal and unconstitutional and to direct the respondents 1 and 2 not to proceed in any manner against the business run by the petitioner under the valid license in the name of Sri Vaishnavi Wines, without following due process of law

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 1 and 2 not to take any coercive steps against the premises bearing No.13-6-438/2/9,Jaffarguda, Gudimalkapur, Hyderabad, in which the petitioner is running a licensed wine shop in the name of Sri Vaishnavi Wines, pending disposal of the main writ petition

**Counsel for the Petitioner: SRI. VEDULA SRINIVAS REP. SRI. G POORNASRI
Counsel for the Respondent Nos. 1 & 2: SRI. N. ASHOK KUMAR, SC FOR
GHMC**

**Counsel for the Respondent No. 3: NONE APPEARED
The Court made the following:**

THE HON'BLE SMT. JUSTICE P. MADHAVI DEVI

WRIT PETITION No.24031 of 2022

ORDER :

This writ petition is filed seeking a *Writ of Mandamus* declaring the action of respondent Nos.1 and 2 in causing demolition of the shop in premises bearing No.13-6-438/2/9, Jaffarguda, Gudimalkapur, Hyderabad, in which the petitioner is running a licensed Wine Shop, in the name of Sri Vaishnavi Wines, on 16.05.2022 without issuing any notice to the petitioner and without following the due process of law, as arbitrary and illegal.

2. Heard Sri Vedula Srinivas, learned Senior Counsel, representing Ms. G. Poornasri, learned counsel for the petitioner, as well as Sri N. Ashok Kumar, learned Standing Counsel for respondent Nos.1 and 2. Perused the material available on record.

3. Learned Senior Counsel for the petitioner submits that the petitioner is occupier of the premises bearing No.13-6-438/2/9, Jaffarguda, Gudimalkapur, Hyderabad,

having obtained the same on lease under Rental Deed dated 18.12.2021 and is running a Wine Shop in the name of Sri Vaishnavi Wines after obtaining necessary licence from the authorities concerned. The learned Senior Counsel further submits that the respondents have demolished the building in which the petitioner is running the Wine Shop without issuing any notice to the petitioner and that the petitioner is continuing to run the Wine Shop in the remaining portion of the building and he seeks a direction to the respondents not to take any further coercive steps against the petitioner's Wine Shop without issuing any notice to him.

4. The learned Standing Counsel for respondent Nos.1 and 2 submits that the entire building where the petitioner is running the Wine Shop has been demolished pursuant to the directions of this Court in W.P.No.31764 of 2021, dated 12.04.2022.

5. Learned Senior Counsel for the petitioner submits that the subject premises is a tin roofed shed with supporting walls where the petitioner is running a Wine

Shop and that the said shop was in existence from a long period, and that he is apprehending further coercive action against the said premises by the respondents. He also submits that the respondents are preventing the petitioner from carrying on the business of running Wine Shop under valid licence in the said premises. Therefore, he seeks a direction from this Hon'ble Court to the respondents not to take any coercive steps against the subject premises without issuing any notice to the petitioner.

6. A perusal of the material available on record shows that action has been taken by the respondents pursuant to the directions of this Court in W.P.No.31764 of 2021, dated 12.04.2022 and the petitioner, being a tenant and occupier of the subject premises, was already represented through the owner of the subject premises in W.P.No.31764 of 2021. Therefore, no further direction can be given in this writ petition without there being any change in facts.

7. Accordingly, this writ petition is dismissed. No order as to costs.

8. Miscellaneous applications pending, if any, shall stand closed.

SD/-G.SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. G Poomasri, Advocate [OPUC]
2. One CC to Sri. N. ASHOK KUMAR, SC for MC [OPUC]
3. Two CD Copies.
4. one spent copy

PM

BS

[Handwritten signature]

HIGH COURT

DATED:26/05/2022



ORDER

WP.No.24031 of 2022

Dismissing the WP
Without costs.

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2/6/22
gns