

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

**TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 24434 OF 2022

Between:

Ghousia Begum, W/o. Abdul Hameed, Aged about 58 years, Occ. Housewife,
R/o. H.No. 2-3-658/3/2, Azad Nagar, Amberpet, Hyderabad, Telangana.

...PETITIONER

AND

1. The State of Telangana, Municipal Administration and Urban Development Department, Rep. by its Principal Secretary, Secretariat Buildings, Hyderabad
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.6, Malakpet, 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 Writ or any other order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in straightaway revoking the building permission by issuing Notice No. 142015/GHMC/4273/2022 dated. 25/03/2022 in respect of H.No. 16-11-16/L/4/L admeasuring 333.33 square yards or 278.66 square meters situated, at Teegalguda, Malakpet, Hyderabad, Telangana, without issuing any prior notice and opportunity, as arbitrary, illegal in violation well settle 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 suspend that operation of Notice No. 142015/GHMC/4273/2022 dated. 25/03/2022, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. MOHD ISLAMUDDIN ANSARI

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

Counsel for the Respondent No's.2 & 3:SRI PASHAM KRISHNA REDDY (SC FOR GHMC)

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.24434 of 2022

O R D E R:

This writ petition is filed questioning the action of the 3rd respondent in revoking the building permission by issuing Notice No.142015/GHMC/4273/2022 dated 25.03.2022 in respect of H.No.16-11-16/L/4/L admeasuring 333.33sq. yards meters situated at Teegalguda, Malakpet, Hyderabad without issuing any prior notice and opportunity, as arbitrary, illegal and in violation of principles of natural justice.

2. Heard Sri Mohd. Islamuddin Ansari, learned counsel for the petitioner and Sri Pasham Krishna Reddy, learned standing counsel for GHMC appearing for respondent Nos.2 and 3.

3. Learned counsel for the petitioner submits that the revocation letter dated 25.03.2022 is impugned in the present writ petition. He submits that the respondent Corporation after verification of all the details has granted work commencement letter on 28.02.2022 and when they tried to interfere with the possession of petitioner over the subject property for road widening purpose, the petitioner has filed a writ petition vide W.P.No.12830 of 2022 before this court and

this court has directed the parties to maintain status-quo obtained until the next date of hearing and directed the matter to be posted on 01.04.2022 and the matter is not listed thereafter.

4. The learned counsel for the petitioner further submits that the revocation letter was passed by the respondent Corporation without issuing any notice and without giving an opportunity to the petitioner. He submits that the reasons that are stated in the said revocation letter are also unsustainable. He submits that now the petitioner has been making construction as per the conditions imposed in the work commencement letter.

5. Learned standing counsel submits that the petitioner is making construction in different premises where the permission is not granted by the respondent Corporation. He submits that he will file a detailed counter affidavit in this case.

6. Learned standing counsel does not dispute the fact that the impugned revocation letter is passed without issuing

any notice to the petitioner. In that view of the matter, as the impugned order is passed without following the principles of natural justice, this order necessarily has to be set aside.

7. Accordingly, this writ petition is allowed by setting aside the impugned revocation letter dated 25.03.2022 and treating this as a show cause notice, the petitioner shall submit his explanation within (2) weeks from the date of receipt of copy of the order and the respondent Corporation shall pass appropriate orders within (2) weeks from thereon. Till such time, the petitioner shall also not carry out any construction activity. No order as to costs.

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

//TRUE COPY//

SD/- T.SRINIVAS
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.6, Malakpet, Hyderabad.
4. One CC to SRI. MOHD ISLAMUDDIN ANSARI Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, [OUT]
6. One CC to SRI. PASHAM KRISHNA REDDY (SC FOR GHMC), Advocate [OPUC]
7. Two CD Copies.
8. One Spare Copy.

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HIGH COURT

DATED:07/06/2022



ORDER

WP.No.24434 of 2022

ALLOWING THE WP
WITHOUT COSTS.

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21/6/22
HVV