

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

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 29395 OF 2022

Between:

Chinthakayala Renuka, W/o Chinthakaya Bichaya, aged about 37 years, R/o Plot No.11, E.P. Sudheer Kumar Colony, Anmagal, Hayathnagar, Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, Secretariat, Hyderabad.
2. Greater Hyderabad Municipal Corporation (GHMC), T.S. Hyderabad Rep by its Commissioner.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation (GHMC) Hayathnagar Circle, Ranga Reddy District.
4. The Town Planning Officer, Greater Hyderabad Municipal Corporation (GHMC) L.B. Nagar, Saroornagar Circle No.29, Ranga Reddy District.
5. Arshath Khan, S/o Mohammed, aged about 50 years, Occ. Real Estate Business, R/o H.No.C-597, Sachivalyanagar, Near Govt. Library, Vanasthalipuram, Ranga Reddy 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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.3 and 4 in interfering into the peaceful possession of the petitioner's house which is non-allotted door number in Plot No.11, (E.P.) in Sy.No.53, admeasuring 200 Sq. yards situated at Sudheer Kumar Colony, Anmagal, Hayathnagar, Mandal, Ranga Reddy District, and trying to demolish the house of the petitioner, without issuing any notice to the petitioner, without following the due process of law, is highly illegal, arbitrary, unconstitutional, unjust and in violation of Principles of Natural Justice and also in violation of Articles 14, 21 and 300-A of the Constitution of India and

consequently direct the respondent No.4 for not to interfere into the peaceful possession of the petitioners house which is non-allotted door number in Plot No.11, (E.P.) in Sy.No.53, admeasuring 200 Sq. yards situated at Sudheer Kumar Colony, Anmagal, Hayathnagar, Mandal, Ranga Reddy District, and not to demolish house of the petitioner.

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.4 for not to interfere into the peaceful possession of the petitioners house which is non-allotted door number in Plot No.11, (E.P.) in Sy.No.53, admeasuring 200 Sq. yards situated at Sudheer Kumar Colony, Anmagal, Hayathnagar, Mandal, Ranga Reddy District and not to demolish the house of the petitioner pending disposal of the writ petition.

Counsel for the Petitioner : SRI. RAPOLU BHASKAR

Counsel for the Respondents: GP FOR MCPL ADMN URBAN DEV (TG)

Counsel for the Respondents: Mr Sampath Prabhakar Reddy, SC FOR GHMC

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.29395 of 2022

ORDER:

This writ petition is filed questioning the action of respondents Nos.3 and 4 in interfering into the petitioner's peaceful possession with respect house in Plot No.11, (E.P.) admeasuring 200sq.yards situated in Sy.No.53, Sudheer Kumar Colony, Annagal, Hayathnagar Mandal, Ranga Reddy District and trying to demolish the said house without issuing any notice to the petitioner and without following the due process of law, as illegal and arbitrary.

2. Heard Mr. Rapolu Bhaskar, learned counsel for the petitioner, Mr. Sampath Prabhakar Reddy, learned standing counsel for GHMC appearing for respondent Nos.2 to 4 and learned Government Pleader for Municipal Administration appearing for respondent No.1.

3. Learned counsel for the petitioner submits that the respondents are interfering into the peaceful possession of the petitioner in respect of subject house. He submits that the petitioner has purchased the said property on 28.10.2020 under an Agreement of sale and has laid a small hut and has been in peaceful possession and enjoyment of the said property. He has also made an application to the concerned authorities to grant power connection and the same is pending consideration. He submits that though the petitioner has not made any permanent structures, the respondents are interfering with his

possession under Section 3 of the Greater Hyderabad Municipal Corporation, Act, 1955 (in short "the Act"). Hence, the petitioner has come up before the court.

4. Learned standing counsel submits that the petitioner has made certain constructions without obtaining permission and he submits that they will initiate appropriate action for removal of the said unauthorized construction.

5. Section 3 of the Act defines building, which reads thus:

" 'building' includes a house, out-house, stable, latrine, godown, shed, hut, wall, fencing, platform and any other structure whether of masonry, bricks, wood, mud, metal or of any other material whatsoever."

As per the definition of building, it includes, the house, out-house, stable, latrine, godown, shed, hut, wall, fencing, platform and any other structure whether of masonry, bricks, wood, mud, metal or any other material. Hence, the petitioner cannot be permitted to contend that as he has not made any permanent construction, the respondents cannot interfere. The respondents have every authority to take action on a construction which is made without obtaining permission and contrary to the provisions of the Act.

6. Accordingly, this writ petition is disposed of directing the respondents to follow the due process. The respondents can only interfere with the petitioner's possession only after following the due process. No order as to costs.

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

//TRUE COPY//

SD/-T.KRISHNA KUMAR
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, Secretariat, State of Telangana, Hyderabad.
2. Greater Hyderabad Municipal Corporation (GHMC), T.S. Hyderabad Rep by its Commissioner.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation (GHMC) Hayathnagar Circle, Ranga Reddy District.
4. The Town Planning Officer, Greater Hyderabad Municipal Corporation (GHMC) L.B. Nagar, Saroomnagar Circle No.29, Ranga Reddy District.
5. Arshath Khan, S/o Mohammed, aged about 50 years, Occ. Real Estate Business, R/o H.No.C-597, Sachivalyanagar, Near Govt. Library, Vanasthalipuram, Ranga Reddy District.
6. One CC to SRI. RAPOLU BHASKAR Advocate [OPUC]
7. One CC to SRI.Mr Sampath Prabakar Reddy,SC FOR GHMC [OPUC]
8. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana. [OUT]
9. Two CD Copies
10. One Spare Copy

GSA

HIGH COURT

DATED: 18/07/2022



ORDER

WP.No.29395 of 2022

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

AM (12)
10/9/2022