

**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: 31761 OF 2022

Between:

M/s. Arcedo Ventures, (A Registered Partnership Firm) Office at. H. No. 3-108/1, Plot No. 692, Flat No.301, Silver Springs, Pragathi Nagar, Hyderabad 500090 Rep. by its Managing Partner, Mattapally Yadagiri.

...PETITIONER

AND

1. State of Telangana, Through its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Telangana.
2. Shadnagar Municipality, Rep. by its Commissioner, Shadnagar, Ranga Reddy District, Telangana.
3. The Commissioner, Municipal Council (Shadnagar Municipality), Shadnagar, Ranga Reddy District, Telangana.

...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 in the nature of Mandamus declaring the notice bearing No.G/222/ 2022 dated 10/05/2022 issued by the Respondents directing the Petitioners to remove the compound walls constructed around the approved layout in Sy. Nos.529/P, 530/P, 534/P, 554/P, 556/P, 557/P and 558/P of Chattanpally Village, Shadnagar Mandal, Ranga Reddy District, as being illegal, arbitrary and unconstitutional and to consequently set aside the same.

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 issue interim orders directing the Respondents not to demolish/remove the compound walls constructed around the approved layout in Sy. Nos.529/P, 530/P, 534/P, 554/P, 556/P, 557/P and 558/P of Chattanpally Village, Shadnagar Mandal, Ranga Reddy District, pending disposal of this writ petition.

Counsel for the Petitioner: SRI. R. SUSHANTH REDDY

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

**Counsel for the Respondent Nos.2 & 3: SRI N. PRAVEEN KUMAR,
SC FOR MUNICIPALITIES**

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.31761 of 2022

ORDER

This writ petition is filed with the following prayer;

"to issue a writ in the nature of mandamus declaring the notice bearing No.G/222/2022 dated 10-05-2022 issued by the respondents directing the petitioners to remove the compound walls constructed around the approved layout in Sy.Nos.529/P, 530/P, 534/P, 554/P, 556/P, 557/P and 558/P of Chattanpally Village, Shadnagar Mandal, Ranga Reddy District, as being illegal, arbitrary and unconstitutional and consequently set aside the same".

2. Learned counsel for the petitioner Mr. R. Sushanth Reddy submits that the respondent-Municipality has issued a notice dated 10-05-2022 directing the petitioner to remove the walls constructed across the roads within seven days from the date of receipt of the notice, failing which action will be initiated under the provisions of Section 178 of Telangana Municipalities Act, 2019. He submits that in the said notice, the respondent Municipality has referred to a complaint filed by a third party, who has no locus to file the same as he is no way concerned with the subject property. He submits that the copy of the said complaint is not furnished to the petitioner. Learned counsel submits that unless and until the petitioner completes laying the road and it is gifted to the Municipality, the respondents will not get any right. He submits that by the time the petitioner has purchased the subject property, compound wall exists and as such the respondents have no

authority to issue such a notice and apart from that before issuance of the impugned notice, no notice is given to the petitioner.

3. Learned Standing Counsel Mr. N. Praveen Kumar submits that the petitioner has constructed a compound wall around his plot and he cannot construct the said compound wall as the petitioner's layout is not a gated community. He also does not dispute the fact that no notice is issued to the petitioner before issuance of the impugned notice.

4. The contention of the learned counsel for the petitioner is that the road exists and the petitioner has never executed the gift deed, unless the gift deed is executed the roads will not vest with the Municipality. The admitted facts are that for construction of a compound wall, irrespective of the layout permission, the petitioner requires prior permission. Whether such compound wall is constructed by the petitioner or his vendor, it requires permission. The property falls within the purview of the Municipality and when a compound wall is constructed, without permission they have every right to demolish the same as it amounts to illegal construction.

5. The respondent Municipality in spite of repeated directions issued by this Court failed to issue notice before passing orders and in a way, they want to help the persons, who have violated the law as this Court will remand the matter for issuing a fresh notice. When a duty is caste upon the respondent Municipality to maintain the roads and this

sort of negligent attitude on the part of the Municipal Commissioner is nothing but dereliction of duties. Hence, the respondents shall issue a fresh show cause notice to the petitioner along with a copy of the complaint within a period of one week from the date of receipt of a copy of this order and on receipt of the same, petitioner shall submit his explanation within one week thereafter and the respondents shall pass appropriate orders within two weeks thereafter. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

7. 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, State of Telangana, Secretariat, Telangana
2. The Commissioner, Shadnagar Municipality, Shadnagar, Ranga Reddy District, Telangana
3. The Commissioner, Municipal Council (Shadnagar Municipality), Shadnagar, Ranga Reddy District, Telangana
4. One CC to Sri R. Sushanth Reddy, Advocate [OPUC]
5. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Sri N. Praveen Kumar, SC for Municipalities [OPUC]
7. Two CD Copies
8. One Spare Copy

CHR
SB



HIGH COURT

DATED:04/08/2022

ORDER

W.P.No.31761 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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MA
30/8/22