

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

MONDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 35318 OF 2022

Between:

Mumtaz Jahan, W/o. Late Mohd. Siddiq @ Khalid, aged about 44 years,
Household, R/o. H.No. 11-3-808, Malleshpally, Hyderabad, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by Principal Secretary (Municipal Administration), Secretariat Building, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep. by Commissioner, Tank Bund Road, Hyderabad.
3. The Chief City Town Planner, GHMC, Hyderabad.
4. The Circle Inspector, Circle - V, GHMC, Hyderabad.
5. Tariq Ali, S/o. Mohd. Yousuf Shezad, aged about 45 years, Occ . Business, R/o. 5-6-425, Nampally, beside Dargah, Hyderabad.
6. Hyder Ali, S/o. Mohd. Yousuf Shezad, aged about 39 years, Occ . Business, R/o. 5-6-425, Nampally, beside Dargah, 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 an appropriate writ more particularly one in the nature of writ of Mandamus declaring the action of the respondents 2 to 4 herein in not taking any action as against the respondents 5 and 6 for the illegal constructions being raised by them in subject property i.e. in H.No. 5-6-425, situated at Subhanpura near Yousufain Dargah, Nampally, Hyderabad, without any building permission further inspite of the representations made by the petitioner dated 08/08/2022 and 11/08/2022 as illegal, arbitrary and opposed to the established principles of law and consequently direct the respondents herein to immediately take action as

against the respondents 5 and 6 herein for raising illegal constructions in the above mentioned subject property.

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 2 to 4 herein to consider the representations of the petitioners dated 08/08/2022 and 11/08/2022 by taking appropriate action as against the respondents 5 and 6 herein for the illegal constructions being raised by them without any permission upon the subject property i.e. in H.No. 5-6-425, situated at Subhanpura near Yousufain Dargah, Nampally, Hyderabad pending disposal of the present writ petition.

Counsel for the Petitioner: SRI K. PALLAVI

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

**Counsel for the Respondent Nos. 2 to 4: SRI N. ASHOK KUMAR,
SC FOR GHMC**

Counsel for the Respondent Nos. 5 & 6: -----

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

W.P.No.35318 of 2022

ORDER

This writ petition is filed with the following prayer;

"to issue an appropriate writ more particularly one in the nature of writ of Mandamus declaring the action of respondents 2 to 4 herein in not taking any action against respondents 5 and 6 for the illegal constructions being raised by them in subject property i.e, in H.No.5-6-425 situated at Subhanpura near Yousufain Dargah Nampally, Hyderabad, without any building permission further in spite of the representations made by the petitioner dated 08-08-2022 and 11-08-2022 as illegal, arbitrary and opposed to the established principles of law and consequently direct the respondents herein to immediately take action against respondents 5 and 6 herein for raising illegal constructions in the above mentioned subject property".

2. Learned counsel for the petitioner Smt K. Pallavi submits that the unofficial respondent Nos.5 and 6 are making illegal constructions in the subject property. She submits that the petitioner has made representations dated 08-08-2022 and 11-08-2022 to the official respondents and in spite of the same, no action has been initiated and hence, he has come up with the present writ petition.

3. Learned Standing Counsel for respondent Nos.2 to 4 Mr. N. Ashok Kumar submits that after receiving the representations of the petitioner, the respondent Corporation has issued a show cause notice to the unofficial respondent Nos.5 and 6 and they will take further steps in accordance with law.

4. Recording the submission of the learned Standing Counsel, the Writ Petition is disposed of directing the respondent Corporation to take appropriate steps pursuant to the show cause notice issued to the unofficial respondent Nos.5 and 6 in accordance with law within a period of four weeks from the date of receipt of a copy this order. No order as to costs.

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

SD/- MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Municipal Administration), State of Telangana, Secretariat Building, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
3. The Chief City Town Planner, GHMC, Hyderabad.
4. The Circle Inspector, Circle - V, GHMC, Hyderabad.
5. One CC to SRI K. PALLAVI Advocate [OPUC]
6. One CC to SRI N. ASHOK KUMAR, SC FOR GHMC [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies.
9. One spare copy.

NPJ

PS



HIGH COURT

DATED:12/09/2022

ORDER

WP.No.35318 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

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MHA

24/10/2022