

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

I.A.NO. 3 OF 2022

IN

WRIT PETITION NO: 39204 OF 2022

Between:

1. P. Veeresham, S/o Late P. Rajaiah, Aged 71 years, R/o Plot No 40, New City Colony, Near Ganga New Bowenpally, Secunderabad
2. P. Radha Krishna, S/o Late P. Rajaiah, Aged 63 years, Occ. Retd. Government Service, R/o D.No. 5-2-291/A, Hyderbasti, Secunderabad.
3. P. Srinivasulu, S/o Late P. Rajaiah, Aged 60 years, Occ. Business, R/o Plot No 86, 2nd Floor, Jeera Secunderabad.
4. P. Dattu Ram, S/o Late P. Rajaiah, Aged 57 years, Occ. Private employee, R/o H.No. 1-3-1040 & 1041, Flat No 402, Shankarakranthi Apartments, Kavadiguda, Hyderabad

....PETITIONERS/RESPONDENTS 4 TO 7

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy City Planner, Circle-30, Begumpet, Secunderabad.

....RESPONDENTS/RESPONDENTS 1-3

4. Pabba Om Prakash, S/o. Late P. Rajaiah, Aged about. 64 years, Occ. Business, Address. H. No. 5-2-325, 3rd Floor, Hyderbasti, Secunderabad.

...RESPONDENT/PETITIONER

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 recall the order dated 26/10/2022 passed in WP No. 39204 of 2022,

This petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon reading the Order dated 26.10.2022 in W.P.No.39204 of 2022 and upon hearing the arguments of Sri Srikanth Hariharan, Counsel for the Petitioners in I.A.No.3 of 2022 and GP for Municipal Administration & Urban Development on behalf of Respondent No. 1 and of Sri K. Ravinder Reddy, Standing counsel for Respondent Nos. 2 & 3 and of Sri V.

Hariharan, Senior Counsel on behalf of Sri Vivek Jain, counsel for Respondent No. 4, the Court made the following:

ORDER

This Court on 26.10.2022 has passed an order by disposing of the writ petition directing the respondents to take further steps within a period eight weeks from the date of receipt of a copy of the order, in accordance with law, by issuing proper notice to the unofficial respondents as well as to the persons who are in occupation of the same.

Learned counsel for the petitioners filed this application stating that firstly without giving an opportunity to the petitioners, who are respondent Nos.4 to 7 in the writ petition, the writ petition is disposed of and secondly, the respondent Corporation has seized the premises basing on the orders passed by this Court.

Sri V. Hariharan, learned senior counsel, representing Sri Vivek Jain, learned counsel for the 4th respondent, submits that the respondent corporation, without following the due process of law, cannot seize the building of the 4th respondent i.e., the petitioner in the writ petition. According to him, the said building is in a fit condition and he is relying on a report given by some private structural engineer.

Learned Standing Counsel submits that they have asked the Engineering Department to verify the structure stability. According to him, the key of the building is with the respondent Corporation.

Learned counsel for the petitioners submits that the petitioners are residing in the part of the building and they have issued a notice stating that it is in dilapidated condition, they have vacated the premises and the respondent Corporation has seized the premises. When it comes to the 4th respondent, who is a review petitioner, the petitioners have conveniently left him to leave the said premises in spite of the repeated notices given by them. Coming to the contention of the learned senior counsel that no notice is given to the petitioners before passing orders in this writ petition, this Court is not able to appreciate the said contention, as this court in the order specifically directed the respondent Corporation to issue notice and follow due process of law and in accordance with law take steps. Secondly, this Court has not directed the respondent Corporation to seize the

premises. So as far as that is concerned, there is no error apparent on the face of the order, which requires review of the same.

Learned Standing Counsel for GHMC submits that they have not seized the premises and it is also submitted that they will take further steps after issuing the notice and after taking the structural stability report from the JNTU.

Accordingly, this application is disposed of."

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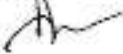
Sd/- N. RAJ GOPAL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri Vivek Jain Advocate [OPUC]
2. Two CCs to GP For Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
3. One CC to Sri Srikanth Hariharan, Advocate(OPUC)
4. One CC to K. Ravinder Reddy, Advocate(OPUC)
5. Two CD Copies

MBC



HIGH COURT

LK,J

DATED: 29/12/2022



ORDER

I.A.NO. 3 OF 2022
IN
WRIT PETITION NO: 39204 OF 2022

DISPOSING OF THE I.A.NO.3 OF 2022

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