

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

TUESDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 45298 OF 2022

Between:

M. Vital Swamy, S/o Late M.Mutahaiah, R/O H.No 17-2-859 & 865/5 (Tin No. 1041725054) Purana Ediga, Madannapet Saidabad.occ. Rtd. Employee. Hyderabad - Mobile No. 9160551050.

...PETITIONER

AND

1. The State Of Telangana, Rep.By Its Principal Secretary,Municipal Administration And Urban Development Department, Secretariat Buildings,Hyderabad,Telangana
2. The Commissioner Greater Hyderabad Municipal Corporation, Rep. By Its Commissioner, Lower Tankbund,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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action the Respondent no.2, in not taking any action on the representation dated 19/05/2022 is illegal , arbitrary mala fide and violation of principles of natural justice , and consequently direct the respondent no.2 to consider the representation made by the petitioner on 19/05/2022 and demolish the illegal construction made by MUDIMALA BIKSHAPATI S/O M.MUTHAIAH Aged about 75 years, Occupation. Retd Employee, R/o.17-2-859,865/8 near OLD EDIGA MADANNAPET, Hyderabad, Telangana State, in the interest of justice and equity;

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.2 to consider the representations made by petitioner on 19/05/2022 and demolish the illegal structure made MUDIMALA BIKSHAPATI S/O M.MUTHAIAH Aged about 75 years, Occupation: Retd Employee,

R/o.17-2-859,865/8 near old ediga Madannapet, Hyderabad, Telangana State and on the petitioners property by the and be pleased;

Counsel for the Petitioner: SRI. MD FASIUDDIN

Counsel for the Respondent R1: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent R2: SRI V. PRAVEEN KUMAR LEARNED SC

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.45298 of 2022

ORDER:

The writ petition is filed seeking the following relief:

"... to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action the Respondent no.2 in not taking any action on the representation dated 19.05.2022 is illegal, arbitrary malafide and violation of principles of natural justice and consequently direct the respondent no.2 to consider the representation made by the petitioner on 19.05.2022 and demolish the illegal construction made by MUDIMALA BIKSHAPATI S/O M MUTHAIAH Aged about 75 years, Occupation: Retd. Employee, R/o.17-2-859, 865/8 near old ediga Madannapet, Hyderabad, Telangana State in the interest of justice and equity and".

2. Mr. Md. Fasiuddin, learned counsel for the petitioner submits that the petitioner is old age senior citizen and one M. Bhikshapathi under the guise of permission granted by the respondents is illegally encroaching into the petitioner's land and making construction. He submits that in this regard, several complaints were given to the respondents and in spite of that, no action has been taken by them.

3. Mr. V. Praveen Kumar, learned standing counsel for the respondent municipality submits that they will consider the representation of the petitioner and take appropriate action.

4. Recording the said submission of the learned standing counsel, the writ petition is disposed of directing the respondents to

consider the representation of the petitioner dated 19.05.2022 and pass appropriate orders in accordance with law, within a period of (6) weeks from the date of receipt of copy of the order, duly issuing notice to the concerned. There shall be no order as to costs.

The Miscellaneous Applications, if any shall stand automatically closed.

SD/- MOHD. SANALLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration And Urban Development Department, Secretariat Buildings, State Of Telangana, Hyderabad, Telangana
2. The Commissioner, Commissioner Greater Hyderabad Municipal Corporation, Lower Tankbund, Hyderabad.
3. One CC to SRI. MD FASIUDDIN, Advocate [OPUC]
4. One CC to SRI. PRAVEEN KUMAR, Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, Hyderabad. [OUT]
6. Two CD Copies

HIGH COURT

LKJ

DATED: 20/12/2022



ORDER

WP.No.45298 of 2022

WRIT PETITION IS DISPOSED OF WITHOUT COST