

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.46114 of 2022

ORDER:

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No 2069/UC/TPS/C-25/KPZ/GHMC/2022 dated 16/12/2022 issued by the 2nd Respondent in seeking to demolish the entrance gate and the tin sheets covering the property covered by Survey Nos 78 81/2 82 83 84 and 85/1 in an extent of 1693 31 Sq Yds situated at Block No 5 Pet Basheerabad Village Quthbullapur Mandal Ranga Reddy District as illegal arbitrary and violative of principles of natural justice and quash or set aside the same and pass...”

2. Mr. Surender Rao, Learned Senior Counsel representing Mr. D. Nagabhushanam, learned counsel for the petitioner submits that earlier, petitioner having obtained permission, has constructed a compound wall and the same was demolished by the unofficial respondents. He submits that petitioner have erected the same with tin sheds and when the proceedings dated 07.12.2022 were issued directing the petitioner to remove the said construction, the petitioner has filed W.P.No.44721 of 2022 and this Court has disposed of the said writ petition on 14.12.2022 stating that this Court finds no reason to interfere with the order impugned as it is submitted that they have not obtained any permission. However, it is submitted that they have only constructed the part of the compound wall but not the entire one, then this Court has directed the respondent-Corporation only to remove the newly erected portion of the compound wall. He submits that they have already obtained a permission and as the same was demolished they are reconstructing and the said reconstruction does not require any permission and he relied on section 428 of the GHMC Act

and he submits that the said activity of reconstructing the compound wall do not fall under any of the provisions of the act. He submits that even under Section 455, they can also regularize the said construction which is constructed without obtaining the permission.

3. Mr. M. Dhananjay Reddy, learned Standing Counsel appearing for the respondents submits that in the earlier order, they have failed to mention about the reply and now by mentioning the reply, they have passed the impugned order.

4. This Court is not able to appreciate the conduct of the respondents in issuing this proceedings dated 16.12.2022. It appears that with an intention to facilitate the petitioner and to give some more time, the respondents have issued the said proceedings dated 16.12.2022. When there was a positive direction from this Court and when this Court has specifically observed that there is nothing wrong in the action of the respondents and the said newly constructed compound wall can be removed, the respondents have again issued the impugned proceedings and passing any orders on these proceedings is revising and reviewing the earlier order.

5. This Court is not inclined to consider any of the submission made by the learned Senior Counsel in view of the orders passed by this Court in W.P.No.44721 of 2022 against which no appeal is preferred. Further the respondents by passing this impugned order made the petitioner to rush to this Court.

6. Hence, this writ petition is dismissed. However, the respondents shall pay costs of Rs.10,000/- to the petitioner.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

27th December , 2022
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