

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

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNegANTI

WRIT PETITION NO: 46700 OF 2022

Between:

Smt. Junuri Madhavi Latha, W/o. Mogili, Occ. Housewife, R/o.H.No.55-4-1282/2,
Bheemaram, Hasanparthy Mandal, Hanumakonda District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad, Telangana.
2. The Greater Warangal Municipal Corporation, Warangal, Warangal District, Rep. by its Commissioner.
3. The Deputy Commissioner, Kazipet Circle-2, Greater Warangal Municipal Corporation, Warangal, Warangal District,

...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, Order or Direction, more particularly a Writ of Mandamus declaring the revocation order passed by the 2nd respondent vide letter no. 104347/GWMC/5060/2021, dated 06.01.2022 in revoking the permission granted to the petitioner on 22.11.2021 for construction of the residential building at H.NO. 55-4-1282/2 in Sy.No.117/A, 117/B, 117/C, 117/D, 117/E and Sy.No. 117/F, admeasuring 409.03 Sq.yrds, near to Kasturbha Gandhi Balika Vidhyalayam, Bheemaram, Hasanparthy Mandal, Hanumakonda District without issuing any show cause notice and without giving any opportunity to the petitioner and the consequential show cause notice issued by the 3rd respondent vide File No.E-253011/TP/W1/CIR-III/2022, dated 20.12.2022 for removal of the structure, as illegal, unjust and abuse of process of law and against the provisions of T.S. Municipalities Act and set aside the revocation order passed by the 2nd respondent vide letter no. 104347/GWMC/5060/2021, dated 06.01.2022 and the consequential show cause notice issued by the 3rd respondent vide File No.E-253011/TP/W1/CIR-III/2022, dated 20.12.2022 in the interest of justice;

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 not to demolish the structures raised at H.NO. 55-4-1282/2 in Sy.No.117/A, 117/E, 117/C, 117/D, 117/E and Sy.No. 117/F, admeasuring 409.03 Sq.yrds. near to Kasturbha Gandhi Balika Vidhyalayam, Bheernaram, Hasanparthy Mandal, Hanumakonda District by suspending the revocation order passed by the 2nd respondent vice letter no. 104347/GWMC/5060/2021, dated 06.01.2022 and the consequential show cause notice issued by the 3rd respondent vide File No.E-253011/TP/W1/CIR-III/2022, dated 20.12.2022 in the interest of justice pending disposal of the above writ petition;

Counsel for the Petitioners: SRI. CHATLA MADHU

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

Counsel for the Respondent Nos 2 & 3: SRI S. SURENDER REDDY

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.46700 of 2022

ORDER:

This Writ Petition is filed seeking the following relief:

"... to issue a Writ, Order or Direction, more particularly a Writ of Mandamus declaring the revocation order passed by the 2nd respondent vide letter no.104347/GWMC/5060/2021 dated 06.01.2022 in revoking the permission granted to the petitioner on 22.11.2021 for construction of the residential building at H.No.55-4-1282/2 in Sy.No.117/A, 117/B, 117/C, 117/D, 117/E and Sy.No.117/F, admeasuring 409.03 Sq.yrds near to Kasturbha Gandhi Balika Vidhyalayam, Bheemaram, Hasanparthy Mandal, Hanumakonda District without issuing any show cause notice and without giving any opportunity to the petitioner and the consequential show cause notice issued by the 3rd respondent vide File No.E-253011/TP/W1/CIR-III/2022, dated 20.12.2022 for removal of the structure as illegal, unjust and abuse of process of law and against the provisions of T S Municipalities Act and set aside the revocation order passed by the 2nd respondent vide letter no.104347/GWMC/5060/2021 dated 06.01.2022 and the consequential show cause notice issued by the 3rd respondent vide File No.E-253011/TP/W1/CIR-III/2022 dated 20.12.2022 in the interest of justice and"

2. Mr. Chatla Madhu, learned counsel for the petitioner submits that building permission which is granted to the petitioner is revoked on 06.01.2022 without issuing notice and consequently, a show cause notice is issued on 20.12.2022. It is submitted that till the show cause notice is received, the petitioner is not aware of the revocation order dated 06.01.2022.

3. Mr. S. Surender Reddy, learned standing counsel also does not dispute the fact that this revocation order dated 06.01.2022 is passed without any notice.

4. Both the learned counsels submit that the issue in this Writ Petition is squarely covered by the order dated 13.12.2021 in Writ Petition No. 20398 of 2021 and batch wherein this Court considered the issue at length and passed directions therein at paras 2 and 13 and the portion of the said directions that are upheld by the Division Bench of this court vide judgement dated 08.12.2022 in Writ Appeal No.798 of 2022 are extracted hereunder:

* 12. In view of the above, this Court is of the opinion that in order to justify the action taken by the respondent authorities in revoking the building permission of the petitioners, they ought to have acted fairly and in strict adherence to the principles of natural justice. However, since the learned Special Government Pleader, on instructions, submitted that the impugned revocation letters passed against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, the said submission is placed on record. The impugned revocation letters passed by the respondent authorities against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, in terms of submissions made by the learned Special Government Pleader. The petitioners are directed to submit their explanations to the objections pointed out in the impugned revocation letters to the respondent authorities within a period of two weeks from today. On such submission of explanations by the petitioners, the respondent

authorities are entitled to pass appropriate orders, in accordance with the provisions of TS-bPASS Act and the Rules made thereunder, within a period of one week from the date of receipt of such explanations. It is made clear that until passing of orders by the respondent authorities within the time prescribed on the explanations submitted by the petitioners, the petitioners shall not proceed with any type of constructions in their respective subject lands.

3. In view of the above, the Writ Petition is allowed and the revocation orders dated 06.01.2022 and the consequential show cause notice 20.12.2022 are set aside. The respondents are directed to follow the guidelines/directions issued by this Court in Writ Appeal No.798 of 2022 dated 08.12.2022 and Writ Petition No.20398 of 2021 and batch dated 13.12.2021 and pass orders in accordance with law. The petitioner shall be given an opportunity of personal hearing. There shall be no order as to costs.

4. The Miscellaneous Applications, if any shall stand automatically closed.

**SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department Secretariat, State of Telangana, Hyderabad, Telangana.
2. The Commissioner, Greater Warangal Municipal Corporation, Warangal, Warangal District
3. The Deputy Commissioner, Kazipet Circle-2, Greater Warangal Municipal Corporation, Warangal, Warangal District.
4. One CC to SRI. CHATLA MADHU Advocate [OPUC]
5. One CC to SRI. S. SURENDER REDDY Advocate [OPUC]
6. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, Hyderabad. [OUT]
7. Two CD Copies

HIGH COURT

LK, J

DATED: 30/12/2022

ORDER

WP.No.46700 of 2022

**WP IS ALLOWED
OF WITHOUT COSTS**

