

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

(Special Original Jurisdiction)
FRIDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE
PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI
WRIT PETITION NO: 464 OF 2023

Between:

G. Vamshi Krishna, S/o. Laxminarayana, Occ. Doctor, R/o. H. No. 2-2-2, Jammikunta Town and Mandal, Karimnagar District.

...PETITIONER**AND**

1. The State of Telangana, represented by its Principal Secretary to the Municipal Administration, Secretariat Buildings, Hyderabad.
2. The Jammikunta Municipality, represented by its commissioner, Jammikunta Proper and Mandal, Karimnagar District.
3. Ponaganti Jyothi, W/o. Late Sampath, Occ. Housewife, R/o H. No. 16-2-65/A, Motkulagudem, Jammikunta Mandal, Karimnagar 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 an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No. 2 authority in not taking any action against the illegal construction of compound wall by the respondent No. 3 adjacent to petitioner's plot i.e., plot of land admeasuring 363.36 Sq.Yds in Sy. No. 785/C/1, situated at Motkulagudem Village, H/o. Jammikunta Municipality, Jammikunta Town and Mandal, Karimnagar District, even by occupying the public road, considering the representation submitted by the petitioner dated 11/11/2022, is nothing but arbitrary, illegal, null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and also violative of the provisions of the Telangana Municipalities Act. Consequently direct the respondent No. 2 authority to take necessary action against the illegal construction of a compound wall which is made and being made by the respondent No. 3 adjacent to the plot of the land admeasuring 363.36 Sq.Yds in Sy. No. 785/C/1, situated at Motkulagudem Village, H/o. Jammikunta Municipality, Jammikunta Town and Mandal, Karimnagar District, considering the representation submitted by the petitioner dated 11/11/2022

IA NO: 1 OF 2023

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 authority to take necessary action against the illegal construction of a compound wall which is made and being made by the respondent No. 3 adjacent to the plot of the land admeasuring 363.36 Sq.Yds in Sy. No. 785/C/1, situated at Motkulagudem Village, H/o. Jammikunta Municipality, Jammikunta Town and Mandal,

✓
Karimnagar District, considering the representation submitted by the petitioner dated 11/11/2022

Counsel for the Petitioner	: SRI. K VENUMADHAV
Counsel for the Respondent No.1	: GP FOR MCPL ADMN URBAN DEV
Counsel for the Respondent No.2	: SRI M RAM MOHAN REDDY
The Court made the following	:

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

WRIT PETITION No.464 of 2023

ORDER:

This Writ Petition is filed seeking a writ of mandamus declaring the action of the respondent No.2 in not taking any action against the illegal construction of compound wall by the respondent No.3 in the plot adjacent to the petitioner's plot i.e., in land admeasuring 363.36sq.yds. in Sy.No.785/C/1, situated at Motkulagudem Village, H/o.Jammikunta Municipality, Jammikunta Town and Mandal, Karimnagar District as illegal and arbitrary and consequently to pass such other order or orders.

2. Learned counsel for the petitioner submitted that the respondent No.3 is the neighbor of the petitioner and has encroached upon his plot and public road to some extent and has constructed compound wall and also a tin shed in the said plot without any permission. Alleging that the respondent No.2 has not taken any action on the representation of the petitioner dated 11.11.2022, the present Writ Petition has been filed.

3. Learned Standing Counsel for the Municipality appearing for the 2nd respondent, on instructions, submitted that the 3rd

respondent has not obtained any permission for construction of the compound wall or even erecting the tin shed in the said plot.

4. In view of the above submissions of both the parties, this Court deems it fit and proper to direct the 2nd respondent to consider the representation of the petitioner dated 11.11.2022 and pass appropriate orders thereon by following due process of law and after hearing all the concerned including the 3rd respondent.

5. Accordingly, the Writ Petition is disposed of at the admission stage. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary to the Municipal Administration, Secretariat Buildings, State of Telangana, Hyderabad.
2. The commissioner, Jammikunta Municipality, Jammikunta Proper and Mandal, Karimnagar District.
3. One CC to SRI. K VENUMADHAV Advocate [OPUC]
4. One CC to SRI. M RAM MOHAN REDDY(SC) [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

PMDJ

DATED:06/01/2023

ORDER

WP.No.464 of 2023



**WRIT PETITION IS DISPOSED
OF WITHOUT COSTS**