

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

**TUESDAY ,THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 3086 OF 2023

Between:

M. Naga Mahalaxmi, W/o. M. Venkateshwar Rao, Age. 43 years, Occ.House wife, R/o. H.No.2-4-144, Plot No.144, Sy.No.229 to 246, B.N. Reddy Nagar, Cherlapally, Kapra Circle, Hyderabad.

...PETITIONER

AND

1. Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Tankband, Hyderabad.
2. Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.1, 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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the Speaking order No. 1141/TPS/C-1/LNZ/GHMC/2022 dated 07.01.2023 issued by 2nd Respondent as illegal, arbitrary and violative of Article 14 and 21 of Constitution of India and set aside the same and also declare the action of Respondents in trying to demolish Petitioners house bearing House No. 2-4-144 admeasuring 267 Sq. yards in plot No.144 situated at B.N. Reddy Nagar, Cherlapally, Kapra Circle, Hyderabad and consequently direct the 2nd Respondent not to interfere with Petitioners house

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 2nd Respondent not to demolish the Petitioner's house bearing No.

2-4-144 admeasuring 267 Sq. yards in plot No.144 situated at B.N. Reddy Nagar, Cherlapally, Kapra Circle, Hyderabad pending disposal of the above writ petition

Counsel for the Petitioner: SRI. P. GIRI KRISHNA

**Counsel for the Respondent No1. : GP FOR MUNICIPAL ADMINISTRATION
AND URBAN DEVELOPMENT**

Counsel for the Respondent No.2: SRI M. DURGA PRASAD (SC FOR GHMC)

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.3086 of 2023

ORDER:

This Writ Petition is filed to declare the Speaking Order dt.07.01.2023 passed by the 2nd respondent, as being illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently, direct the 2nd respondent not to demolish the petitioner's house bearing No.2-4-144 admeasuring 267 square yards in Plot No.144 situated at B.N.Reddy Nagar, Cherlapally, Kapra Circle, Hyderabad.

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri M.Durga Prasad, learned Standing Counsel, appearing for respondent No.2 and with their consent, the Writ Petition is taken up for hearing and disposal.

3.. Without delving into the merits of the matter, since the respondents-authorities claim to have passed the impugned Speaking Order dt.07.01.2023, after issuing a show cause notice dt. 23.12.2022, to which, the petitioner did not choose to file any reply, this Court is of the view that in stead of this Court examining the merits of the respective contentions urged by the parties, the petitioner should be relegated to avail the remedy of appeal provided under Sections 654 and 655 of the Greater Hyderabad Municipal Corporations Act, 1955 (for short, 'the Act').

4. Since the petitioner had approached this Court by filing the present Writ Petition within the limitation prescribed under the Act for filing an appeal and the said limitation period having elapsed during the pendency of the Writ Petition, this Court is of the further view that the petitioner should be granted three weeks time to file an appeal before the concerned authority.

5. Accordingly, the petitioner is granted three (03) weeks time, from today, to file an appeal, and if the appeal is filed within such time, the same shall be entertained by the authority concerned without taking objection as to the limitation.

6. Subject to the above observation, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation ,Tankband, Hyderabad.
2. Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.1, Hyderabad.
3. Two CCs to GP FOR ADMINISTRATION AND URBAN DEVELOPMENT ,High Court for the State of Telangana,at Hyderabad [OUT]
4. One CC to SRI. M. DURGA PRASAD (SC FOR GHMC) [OPUC]
5. One CC to SRI. P. GIRI KRISHNA, Advocate [OPUC]
6. Two CD Copies

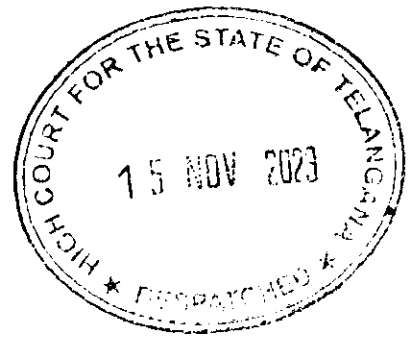
 **B M**

HIGH COURT

DATED:14/11/2023

ORDER

WP.No.3086 of 2023



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

PRK
15/11

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