

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

**WEDNESDAY, THE FIRST DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE T.VINOD KUMAR**

**WRIT PETITION NO: 22474 OF 2009**

**Between:**

1. Rekha Nageshwar, S/o.Rekha Mallesham Business R/o.H.No.9-3-38/1,Mohinpura, Siddipet District Medak
2. Rekha Sangeetha Laxmi, W/o.Rekha Nageshwar Housewife R/o.H.No.9-3-38/1 Mohinpura, Siddipet, Medak District
3. Rekha Sridhar, S/o.Rekha Mallesham Housewife R/o.H.No.5-1-40 Geetha Bhavan Road, Siddipet, District Medak
4. Rekha Sreelaxmi, W/o.Rekha Sridhar Housewife R/o.H.No.5-1-40, Geetha Bhavan Road Siddipet, District Medak

**...PETITIONERS**

**AND**

1. The Commissioner, Municipal Council, Siddipet, District Medak
2. The Director of Town and Country Planning, Government of AP., having office at 640, A.C.Guards, 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 order direction or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents in imposing and /or levying 14% open space charges of Rs.9,43,155-00 as per G.O.Ms.No.902 M.A., dated 31.12.2007 in Condition No.11 of the proceedings bearing Lr.no.G1/3950/2008-09 dated 11.4.2009 issued by the 1st respondent as a condition precedent for the release of sanction plan for construction of residential apartment i.e. Stilt+5 floors in respect of our owned possessed and existing house property admeasuring 2357 sq.Mts situated at Medak Road, Siddipet Town, Siddipet District Medak, as illegal, arbitrary, without jurisdiction beyond the

power and competency of the Respondents unreasonable unjust, opposed to the principles of natural justice and consequently declare that we are not liable to pay 14% Open Space charges in terms of G.O.ms.No.902 dated 31.12.2007 as imposed by the respondents and holding that the said G.O. is inapplicable to the subject property.

**I.A. NO: 1 OF 2009(WPMP. NO: 29193 OF 2009)**

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 to release the sanction plan for construction of stilt+ 5 floors residential apartment in existing premises bearing No.12-3-191/A, corresponding to Old No.10-4-84, situated at Medak Road, Siddipet Town, Siddipet, District Medak without insisting the amount of Rs.9,43,155-00 imposed in condition No.11 of the said impugned Notice bearing Lr.No.G1/3950/2008-09 dated 11.4.2009 issued by the 1st respondent as open space charges.

**Counsel for the Petitioners : SRI G.ANANDAM**

**Counsel for the Respondent No.1 : SRI S.S.NAGESWARAREDDY**

**Counsel for the Respondent No.2 : GP FOR MUNICIPAL ADMN & URBAN DEV**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE T. VINOD KUMAR**

**WRIT PETITION No. 22474 of 2009**

**ORDER:**

Sri G.Akul Reddy, learned counsel representing Sri G.Anandam, learned counsel for the petitioners submits that the cause in the Writ Petition does not survive for consideration by this Court and thus, the Writ Petition has become infructuous.

2. Recording the said submission, the Writ Petition is dismissed as infructuous. No order as to costs.

3. Consequently, miscellaneous petitions pending, if any, shall stand closed.

**//TRUE COPY//**

**SD/- K. VENKAIAH  
ASSISTANT REGISTRAR  
GB  
SECTION OFFICER**

**To,**

1. One CC to SRI G.ANANDAM Advocate [OPUC]
2. One CC to SRI S.S.NAGESWARAREDDY, Advocate. [OPUC]
3. Two CCs to the GP for Municipal Administration and Urban Development, High Court for the State Of Telangana at Hyderabad. [OUT]
4. Two CD Copies.

BSK

BS

*for*

**HIGH COURT**

**DATED:01/11/2023**



**ORDER**

**WP.No.22474 of 2009**

**DISMISSING THE WRIT PETITION  
AS INFRUCTUOUS  
WITHOUT COSTS**

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15/11/23