

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

**THURSDAY ,THE TWELFTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

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

**WRIT PETITION NO: 28599 OF 2023**

**Between**

Brahmakanti Laxminarayana, S/o. Ramaiah, Aged about 64 years, Occ. Temple Poojari, H.No.8-3-283, Ramachandra Nagar Colony, Karimnagar. Telangana.

**...PETITIONER**

**AND**

1. The State of Telangana, rep. by Its Principal Secretary Municipal Administration and Urban Development Department, Secretariat Buildings, Hyderabad-500 022.
2. Kothapalli Municipality, Kothapalli Haveli, Karimnagar Rep by its Commissioner,
3. Brahmakanti Narsaiah, S/o. Ramaiah, Aged about 72 years, H.No.2-44, Kothapalli Village and 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 appropriate Writ Order or Direction. more particularly one in the nature of Writ of Mandamus declaring inaction on the part of the Respondent No.2 in taking action against the illegal unauthorised construction made at H.No.2-44, Kothapalli Village and Mandal, Karimnagar District. Telangana pursuant to Petitioner representation dated 20.01.2022 and dated 11.09.2023 against the Respondent No.2 as arbitrary, illegal, unjust violative of Principles of Natural Justice, violative of Article No.14, 19 (1)(g), 300-A of the Constitution of India and contrary to the Telangana Municipalities Act consequently direct the Respondent No.2 to take appropriate action including the demolition of the

unauthorised building constructed at H.No.2-44, Kothapalli Village and Mandal, Karimnagar District Telangana.

**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 to take necessary action pursuant to the Petitioner representation dated 20.01.2022 and dated 11.09.2023 against the Respondent No.3 for construction of unauthorised building at H.No.2-44. Kothapalli Village and Mandal, Karimnagar District, Telangana pending disposal of the main Writ Petition in the interest of Justice.

**Counsel for the Petitioner : SRI. S LAKSHMI KANTH**

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

**Counsel for the Respondent No.2 : SRI M RAM MOHAN REDDY,  
SC FOR MUNICIPALITY**

**Counsel for the Respondent No.3 : NONE APPEARED**

**The Court at the stage of admission made the following: ORDER**

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

**WRIT PETITION No.28599 of 2023**

**ORDER:**

This Writ Petition is filed to declare the action of respondent No.2 in not taking action against illegal and unauthorized construction made at H. No.2-44, Kothapalli village and Mandal, Karimnagar District, inspite of the petitioner's representation dated 20.01.2022 and 11.09.2023, as being arbitrary, illegal, unjust, violative of principles of natural justice, violative of Articles 14, 19, (1)(g), 300-A of the Constitution and also contrary to the provisions of Telganana Municipalities Act, 2019.

2. Heard learned Counsel for the petitioner, learned Government Pleader for Municipal Administration & Urban Development for respondent No.1 and Sri M. Ram Mohan Reddy, learned Standing Counsel appearing on behalf of respondent No.2 and with their consent, the Writ Petition is taken up for hearing and disposal at the stage of admission. Having regard to the manner of disposal, notice to unofficial respondent No.3 is not necessary.

3. Petitioner contends that the unofficial respondent, along with the petitioner and another are jointly entitled to the estate

left behind by Sri B. Ramaiah; and that the unofficial respondent No.3 to the exclusion of the petitioner and his sister is making construction in the house bearing No.2-44, without having any valid sanction/permission, thereby affecting their rights.

4. Sri M. Ram Mohan Reddy, learned Standing Counsel appearing on behalf of respondent No.2 has placed before this Court the written instructions whereunder it is stated that the respondent authority on receiving the complaint from the petitioner had caused inspection of the site and found that there is already an unauthorized construction of G+1 RCC Residential house existing since 2017; that the said construction was made, without obtaining any permission from the concerned Gram panchayat when the Kothapalli village was under the jurisdiction of Grampanchayat; and that the said Grampanchayat which has been upgraded into the Municipality subsequently in the year 2018.

5. Learned Standing Counsel would further submit that the authorities would examine as to whether the authorities have power to take action against the illegal and unauthorized constructions which were in existence under the Grampanchayat limit on being upgraded into Municipality

would initiate further action on the unauthorized and illegal construction if permitted in law by following due process of law.

6. Having regard to the above said submission and considering the facts of this case, the Court is of the view that the respondent authorities should be directed to follow due process of law, if the authorities conclude of being conferred with power to take action/deal with unauthorized and illegal construction at H. No.2-44, Kothapalli village and Mandal, Karimnagar District made prior to the 3<sup>rd</sup> respondent coming into existence.

7. Subject to the above observation, the Writ Petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions pending if any shall stand closed.

**SD/- C. PRAVEEN KUMAR  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

To,

1. The Principal Secretary Municipal Administration and Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad-500 022.
2. The Commissioner, Kothapalli Municipality, Kothapalli Haveli, Karimnagar.
3. One CC to SRI. S LAKSHMI KANTH, Advocate.[OPUC]
4. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI M RAM MOHAN REDDY, SC FOR MUNICIPALITY.[OPUC]
6. Two CD Copies

SB  
GJP



**HIGH COURT**

**DATED:12/10/2023**

**ORDER**

**WP.No.28599 of 2023**



**DISPOSING OF THE WRIT PETITION  
AT THE STAGE OF ADMISSION  
WITHOUT COSTS**

9  
*[Signature]*  
30/10/2023