

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

THURSDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 34382 OF 2023

Between:

1. Smt Laxmi Mathni, W/o Late Kishore Mathni, Aged about 54 years, Occ. House wife, H.No.4-6-196, Esamiya Bazar, Moti Market, Hyderabad.
2. Mehtani Bhagwandas, S/o Kishore Mehtani, Aged about 36 years, H.No.4-6-197, Esamiya Bazar, Moti Market, Hyderabad

...PETITIONERS

AND

1. The Government of State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation (GHMC), Rep by its Commissioner, at Hyderabad.
3. The Deputy Commissioner (GHMC), Circle-14, Goshamahahal, Abids, 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 writ or order or directions especially one in the nature of writ of Mandamus declaring the action of Respondents that passed the speaking order vide Notice No.196/197/6/4/TPS/C-14/KZ/GHMC/2023, dated 16.9.2023, without following the due process of law. without perused the documents, without survey the land or measure the building, again passed the speaking order is illegal and arbitrary and violate the Article 14 and 300A of constitution of India and besides being opposed to the principles of natural justice and also declare that not accepting the appeal by commissioner under section 654 of GHMC Act, vide letter dated 14.12.2023 is illegal and set aside the speaking order side Notice No 196/197/6/4/TPS/C-14/KZ/GHMC/2023, dated 16.9.2021 issued by respondent

No 3 and direct the respondent No 2 and 3 that not to interfere into construction of petitioners as per permit No 243125/13979/GHMC/2022, dated 22.12.2022.

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 stay the speaking order vide Notice No 196/197/6/4/TPS/C-14/KZ/GHMC/2023, dated 16.9.2023 passed by 3rd respondent until dispose of the writ petition.

Counsel for the Petitioners: SRI K.MALLIKARJUN

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

Counsel for the Respondent No.2 & 3: SRI K.SIDDHARTH RAO, SC FOR GHMC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.34382 of 2023

ORDER:

After making initial submissions, learned counsel for the petitioners seeks permission of the Court to withdraw the Writ Petition with liberty to approach the competent forum as prescribed under Section 654 of the Greater Hyderabad Municipal Corporation Act, 1955.

2. Sri K.Siddharth Rao, learned Standing Counsel appearing for respondents No.2 & 3 submits that he has no objection for the same.

3. Granting liberty as sought for, this Writ Petition is dismissed as withdrawn. No order as to costs.

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

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

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SECTION OFFICER

To,

1. One CC to SRI K.MALLIKARJUN, Advocate [OPUC]
2. One CC to SRI K.SIDDHARTH RAO, SC FOR GHMC [OPUC]
3. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR
GJP

HIGH COURT

DATED: 21/12/2023

ORDER

WP.No.34382 of 2023



**DISMISSING THE WRIT PETITION
AS WITHDRAWN,
WITHOUT COSTS**

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