

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

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 35011 OF 2023

Between:

1. K. Pavan Kumar, S/o. K. Shankar, aged about 40 years, Occ ; Pvt. Service, R/o. H.No.1-6-139, Shobhana Nagar, Street No.8, Habshiguda, Hyderabad, Telangana State - 5000007.
2. Karipa Shanker, S/o. Karipa Bucchi Rajam, aged 54 years, Occ ; Pvt. Service, R/o.1-6-139, V.V. Nagar, Sobha Nagar, Street No. 8, Habsiguda, Secunderabad, Telangna - 500007.

.....PETITIONERS

AND

1. The State of Telangana, Municipal Administration and Urban Development Department, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The Hyderabad Metropolitan Urban Development Authority, rep. by its Metropolitan Commissioner, (Planning Department), Swarnajayanthi Commercial Complex, 4th Floor, West Wing, Ameerpet, Hyderabad - 500038.
3. The Commissioner and Director of Municipal Administration, Rep. by its Director Commissioner and Director of Municipal Administration Department, AC Guards, Masab Tank, Hyderabad - 500004.
4. The Municipal Commissioner, Tellapur Municipality, Tellapur, Hyderabad, Telangana - 500019.
5. The Town Planning Officer, Tellapur Municipality, Tellapur, Hyderabad, Telangana - 5000019.
6. Hanumanth Reddy, S/o. Not known, aged about 45 years, Occ. Real Estate, R/o. c/o. Flt No. 104, H. No. 6-3-628/9/3, Seshagiri Mansion, Anand Nagar Colony, Khairatabad, Hyderabad, Telangana - 500004.

.....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 the inaction of the Respondent Nos.3 to 5 in not taking action on the un-authorised constructed compound wall made over in Sy.Nos.175, 180, 181 and 183 of Kollur Village, RC Puram, Sangareddy District by the Respondent No.6 without any permission or sanction, is illegal, arbitrary and violations of the fundamental right of life and liberty guaranteed under Article 21 and consequently direct the Respondent Nos.3 to 5 to take action on the Respondent No.6 and remove the un-authorised constructed compound wall made over Sy.Nos. 175, 180, 181 and 183 of Kollur Village, RC Puram, Sangareddy District, in the interest of justice in the interest of justice.

I.A.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 Nos.3 to 5 to remove the un-authorised constructed compound wall made over Sy.Nos.175, 180, 181 and 183 of Kollur Village, RC Puram, Sangareddy District, in the interest of justice in the interest of justice.

Counsel for the Petitioner : SRI R.DHEERAJ SINGH

Counsel for the Respondent Nos.1 & 3 : GP FOR MCPL ADMN AND URBAN DEV

Counsel for the Respondent No.2 : SRI V.NARASIMHA GOUD

Counsel for the Respondent Nos.4 & 5 : SRI B.JAGAN MADHAV RAO

The Court made the following ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.35011 of 2023

ORDER:

This Writ Petition is filed to declare the inaction of respondent Nos.3 to 5 in taking action on the unauthorized construction of compound wall made in Sy.Nos.175, 180, 181 and 183 of Kollur village, RC Puram, Sangareddy District by 6th respondent without any permission or sanction, as illegal, arbitrary, violative of fundamental rights of life and liberty guaranteed under Article 21 of the Constitution of India, consequently direct respondent Nos.3 to 5 to take action on respondent No.6 and remove the unauthorized compound wall constructed.

2. Heard learned counsel for petitioners, learned Government Pleader for Municipal Administration and Urban Development appearing on behalf of respondent Nos.1 and 3, Sri V.Narasimha Goud, learned Standing Counsel appearing on behalf of respondent No.2 and Sri B.Jagan Madhav Rao, learned Standing Counsel appearing on behalf of respondent Nos.4 and 5, and perused the record. With the consent of learned counsel appearing for the

parties, the Writ Petition is taken up for hearing and disposal at admission stage.

3. Having regard to the manner of disposal of the Writ Petition at the admission stage, and the *lis* involved in this Writ Petition, this Court is of the view that notice to unofficial respondent No.6 is not necessary for adjudication of the present Writ Petition.

4. Petitioners contend that they along with others are the owners of house plots about 1321 in number in the land situated in Sy.Nos.172, 174, 175, 177, 180 to 184, 186 to 190 (total 14 nos.) situated at Kollur village, R.C. Puram Mandal, Sanga Reddy District, having purchased the same under registered sale deeds from its lawful owners and pattedars in the year 1984; that on 31-07-2023, when the petitioners visited their plots, it was noticed that the unofficial respondent along with his henchmen are constructing a compound wall on the land wherein the petitioners' plots are situated; that on enquiries, it was revealed that the said construction is being made without any permission or sanction; and that the petitioners immediately approached respondent Nos.2 to 4 and lodged a complaint/representation dated 16-08-2023 (submitted on 17-08-2023).

5. Petitioners further contend that on the aforesaid representation being submitted to the 2nd respondent authority, the said authority had addressed a letter dated 31-08-2023 to the 4th respondent calling upon the said respondent to take action against the illegal encroachment and unauthorized construction and report compliance within 15 days.

6. Petitioners further contend that not only 15 days as mentioned by the 2nd respondent in the letter dated 31-08-2023 is over, even after more than 3 months, no action is taken by the 4th respondent against the said unauthorized and illegal construction of compound wall made by the unofficial respondent.

7. Learned Standing Counsel appearing on behalf of respondent Nos.4 and 5, while admitting to the fact of the 2nd respondent addressing communication dated 31-08-2023 to the 4th respondent calling upon the said respondent to look into the contents of the representation and take action, would however, fairly submits that the said communication addressed by the 2nd respondent did not receive due attention and if this Court were to show indulgence, the authorities would look into the same and take further action on the unauthorized and illegal construction being made by the 6th respondent.

8. Having regard to the submissions made as above and taking note of the fact that the 2nd respondent had addressed a letter dated 31-08-2023 directing the 4th respondent to take necessary action against the illegal encroachment and unauthorized construction being made in the land in Sy.Nos.172, 174, 175, 177, 180 to 184, 186 to 190 situated at Kollur village, R.C. Puram Mandal, Sanga Reddy District vide letter dated 31-08-2023, this Court is of the view that the 4th respondent authority should be directed to take further action on the aforesaid communication within a period of two (02) weeks from the date of receipt of a copy of this order by following due process of law.

9. Subject to the above observations and directions, the Writ Petition is disposed of. No costs.

10. It is made clear that this Court has not expressed any opinion on the merits of the matter.

11. As a sequel, miscellaneous petitions pending if any shall stand closed.

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SD/- K. AMMAJI
ASSISTANT REGISTRAR

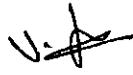
SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, State of Telangana at Hyderabad.
2. The Metropolitan Commissioner, Hyderabad Metropolitan Urban Development Authority, (Planning Department), Swarnajayanthi Commercial Complex, 4th Floor, West Wing, Ameerpet, Hyderabad - 500038.
3. The Director Commissioner and Director of Municipal Administration Department, AC Guards, Masab Tank, Hyderabad - 500004.

4. The Municipal Commissioner, Tellapur Municipality, Tellapur, Hyderabad, Telangana - 500019.
5. The Town Planning Officer, Tellapur Municipality, Tellapur, Hyderabad, Telangana - 5000019.
6. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana. [OUT]
7. One CC to Sri R.Dheeraj Singh, Advocate [OPUC]
8. One CC to Sri V.Narasimha Goud, Advocate (OPUC)
9. One CC to Sri B.Jagan Madhav Rao, Advocate (OPUC)
10. Two CD Copies

SA
GJP

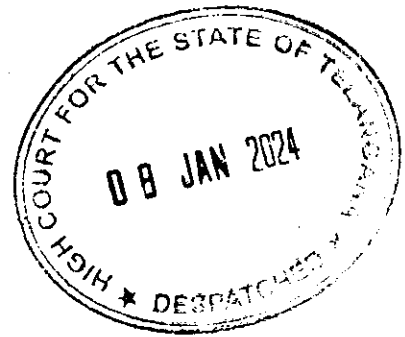


HIGH COURT

DATED:29/12/2023

ORDER

WP.No.35011 of 2023



**DISPOSING OF THE W.P
WITHOUT COSTS.**

(14) VW
8/1/24