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

THURSDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 132 OF 2024

Between:

1. Smt. A. Saraswathi, W/o. Sri A. Sriramulu, Aged about 70 Years, Occ. Household, R/o. H-No.8-2-293/57/1, Road No. 14, Venkateswara Nagar, Banjara Hills, Hyderabad - 500 03, Telangana State.
2. A. Naga Srinivas, S/o. Sri A. Sriramulu, Aged about 48 Years, Occ. Private Employee, R/o. H-No.8-2-293/57/1, Road No. 14, Venkateswara Nagar, Banjara Hills, Hyderabad - 500 03, Telangana State.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary Municipal Administration and Urban Development Secretariat, Secretariat Building, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Khairatabad Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 18, Khairatabad, Hyderabad.
5. Mr. A. Anantham, S/o. Late Sri A. Babaiah, Aged about 76 Years, Occ. Retired Govt. Employee, R/o. H-No. 8-2-293/57/1, Road No. 14, Venkateswara Nagar, Banjara Hills, Hyderabad - 500 034, Telangana State.

...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 orders, more particularly one in the nature of the Writ of Mandamus, declaring the action of the Respondents, more particularly, 4th Respondent in issuing speaking order No. 293/TPS/DC/C-18/KZ/GHMC/2023, dated. 15/12/2023 directing the Petitioners to remove the alleged illegal and unauthorized constructions, as being illegal, arbitrary, contrary to the TS-bPASS

Act. 2020 and GHMC Act, 1955, besides being violation of Article 14 and 300-A of the Constitution of India and consequently direct the Respondents not to interfere, remove/demolish the renovation work done by the Petitioners at premises H-Nos. 8-2-293/57 and 8-2-293/57/1, to an extent of 50 sq.yrds each situated at Venkateswara Nagar, Road No. 14, Banjara Hills, Hyderabad duly suspending the operation of speaking order No. 293/TPS/DC/ C-18/KZ/GHMC/2023, dated. 15/12/2023.

IA NO: 1 OF 2024

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 not to remove/demolish the renovation work done by the Petitioners at premises H-Nos. 8-2-293/57 and 8-2-293/57/1, to an extent of 50 sq yrds each situated at Venkateswara Nagar, Road No. 14, Banjara Hills, Hyderabad duly suspending the operation of the speaking order No. 293/TPS/DC/C-18/KZ/GHMC/2023, dated. 15/12/2023.

IA NO: 2 OF 2024

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 suspend/quash regularization proceedings No. 258/25777 in file No. 10920/TP/R8/40/92, dated. 02/03/2000 and assessment proceedings 1180812752 issued against petitioners property and in favour of 5th respondent duly taking in to consideration of petitioners representation dated. 26/12/2023.

Counsel for the Petitioners: SRI BONDEMPALLY RAMULU

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

Counsel for the Respondent No.2 to 4: SRI K. SIDDHARTH RAO, FOR GHMC

Counsel for the Respondent No.5: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.132 of 2024

ORDER:

This Writ Petition is filed to declare the Speaking Order dt.15.12.2023 passed by the 4th respondent, in respect of house property bearing H.Nos.8-2-293/57 and 8-2-293/57/1 to an extent of 50 square yards each situated at Venkateswara Nagar, Road No.14, Banjara Hills, Hyderabad, as being illegal, arbitrary, contrary to the TS-bPASS Act, 2020 and GHMC Act, 1955, besides being violation of Articles 14 and 300-A of the Constitution of India and consequently, direct the respondents not to interfere, remove/demolish the renovation work done by the petitioner at the subject premises.

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri K.Siddharth Rao, learned Standing Counsel, appearing for respondent Nos.2 to 4 and with the consent of the learned counsel appearing for the parties, the Writ Petition is taken up for hearing and disposal at the 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.5 is not necessary for adjudication of the present Writ Petition

4. In view of the facts and circumstances of the case, without delving into the merits of the matter, since the petitioner has a remedy of appeal under Sections 654 and 655 of the Greater Hyderabad Municipal Corporations Act, 1955 (for short, 'the Act') against the order impugned; that admittedly, the petitioner did not avail the said remedy; and that as it is not shown to this Court that the said remedy of appeal is inefficacious, this Court is of the view that the petitioner should be relegated to avail the remedy of appeal under Sections 654 and 655 of the Act.

5. Subject to above observations and granting liberty to the petitioner as aforesaid, the Writ Petition is disposed of. No order as to costs.

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

SD/- V.KAVITHA
ASSISTANT REGISTRAR

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SECTION OFFICER

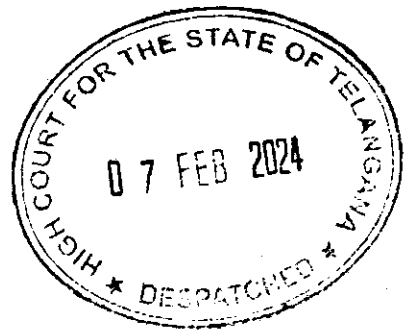
To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, Secretariat Building, The State of Telangana, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Khairatabad Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 18, Khairatabad, Hyderabad.
5. One CC to Sri Bondempally Ramulu, Advocate [OPUC]
6. One CC to Sri K. Siddharth Rao, SC for GHMC[OPUC]
7. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CD Copies

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BSR

HIGH COURT

DATED:04/01/2024



ORDER

WP.No.132 of 2024

DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

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