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

TUESDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

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

**WRIT PETITION NO: 3625 OF 2024**

**Between:**

1. Mohammed Zabiullah, S/o. Mohd. Jahangir, Aged about 43 years, Occ Business, R/o. 19-2-16/B/3, Misrigunj, Charminar, Hyderabad
2. Syeda Amatul Butul, W/o. Mohammed Zabiullah, aged about 41 years, Occ Housewife R/o. 19-2-16/B/3, Misrigunj, Charminar, Hyderabad

**...PETITIONERS**

**AND**

1. Greater Hyderabad Municipal Corporation, Rep., by its Commissioner
2. The Zonal Commissioner, Charminar Zone, GHMC, Hyderabad
3. The Deputy Commissioner, Charminar, Circle No. 9, GHMC, Hyderabad
4. The Chief City Planner, Town Planning Section, GHMC, Hyderabad
5. The Assistant City Planner, Town Planning Section, Circle No. 9, GHMC, Hyderabad.
6. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, 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 appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in seizing the petitioners property at Municipal No. 20-5-663 and 664, admeasuring 203 Square Yards or equivalent to 169.70 Square meters, situated at Mohalla Chowk Aspaan, Hyderabad, Telangana on 21-07-2023 though an order of status quo granted in I.A.No. 609 of 2022 in O.S.No. 5300 of 2022 on the file of the VI Junior Civil Judge, City Civil Court, Hyderabad was in force on the said date as illegal, arbitrary and in violation of Article 14, 19 and 300-A of the Constitution of

India and the provisions of the GHMC Act and consequently direct the respondents to lift the seizure and release the petitioners property at Municipal No. 20-5-663 and 664, admeasuring 203 Square Yards or equivalent to 169.70 Square meters, situated at Mohalla Chowk Aspaan, Hyderabad, Telangana to the petitioners.

**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 to lift the seizure and release the petitioners' property, to the extent of the stilt + 2 floors for which the petitioners have a valid building permit vide Permit No. 106747/8933/GHMC/2021 dated 27.11.2021, located at Municipal No. 20-5-663 and 664, admeasuring 203 Square Yards or equivalent to 169.70 Square meters, situated at Mohalla Chowk Aspaan, Hyderabad, Telangana, pending disposal of the writ petition.

**Counsel for the Petitioners: SRI C.SHARAN REDDY**

**Counsel for the Respondent No.1 to 5: SRI PRAVEEN KUMAR VEERJALA, SC FOR GHMC**

**Counsel for the Respondent No.6: GP FOR MCPL ADMN & URBAN DEV**

**The Court made the following: ORDER**

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

**WRIT PETITION No.3625 of 2024**

**ORDER:**

This Writ Petition is filed for issuance of Writ of Mandamus to declare the action of 3rd respondent, in seizing the petitioner's property at Municipal No.20-5-663&664, admeasuring 203 square yards or equivalent to 169.70 square meters situated at Mohalla Chowk Aspaan, Hyderabad, Telangana dated 21.07.2023 through an order of *status quo* granted in I.A. No.609 of 2022 in O.S. No.5300 of 2022 on the file of VI Junor Civil Judge, City Civil Court, Hyderabad was in force on the said dae, as being illegal, arbitrary and in violation of Articles 14, 19 and 300-A of the Constitution of India and the provisions of the GHMC Act.

2. The present Writ Petition is taken up for hearing, learned Standing Counsel appearing on behalf of respondents submits that a speaking order has been passed by the respondent authority with regard to the deviations made by the petitioner while undertaking construction, on the basis of the building permission obtained for construction of stilt + two floors and having made construction of a 3rd floor and pent house in deviation of the sanctioned plan.

3. Learned Standing Counsel further submits that it is against the said unauthorized construction made in deviation of the sanctioned

plan as well as the additional floor, the impugned proceeding has been passed and in the absence of any challenge to the order, the petitioner cannot maintain the present petition.

4. At this stage learned Counsel for the petitioner seeks permission of the Court to challenge the speaking order dated 21.05.2023 by approaching the competent Court.

5. Granting liberty as sought, the Writ Petition is disposed of. No costs.

6. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**SD/-T. JAYASREE**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

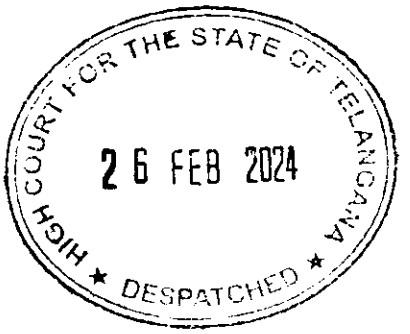
**To,**

1. The Commissioner, Greater Hyderabad Municipal Corporation.
2. The Zonal Commissioner, Charminar Zone, GHMC, Hyderabad
3. The Deputy Commissioner, Charminar, Circle No. 9, GHMC, Hyderabad
4. The Chief City Planner, Town Planning Section, GHMC, Hyderabad
5. The Assistant City Planner, Town Planning Section, Circle No. 9, GHMC, Hyderabad.
6. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad, State of Telangana.
7. One CC to SRI C.SHARAN REDDY, Advocate [OPUC]
8. One CC to SRI PRAVEEN KUMAR VEERJALA, SC FO GHMC [OPUC]
9. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
10. Two CD Copies

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BS

**HIGH COURT**

**DATED: 20/02/2024**




**ORDER**

**WP.No.3625 of 2024**

**DISPOSING OF THE WRIT PETITION,**

**WITHOUT COSTS**

(13) VLV
26/2/24