

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**THURSDAY ,THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 13269 OF 2024

Between:

K. Murali Krishna, S/o Sri. K. Balaiah

...Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary to Govt. Municipal Administration and Urban Development Department, Secretariat, Hyderabad - 500 022
2. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner having its office at Municipal Complex Tankbund Road Hyderabad.
3. The Deputy Municipal Commissioner, GHMC Circle No. 20, Serilingampally, having its office at Serilingampally, Hyderabad
4. The Assistant City Planner, Greater Hyderabad Municipal Corporation Tankbund, 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 a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus to direct the Respondent No. 2 to 4 not to demolish the existing structure property of the Petitioner pertaining to door bearing No. 7-1/267/LIG vide PTIN No. 1209954268, Plot No. 267, admeasuring 187. 29 Sq. Yards. , situated at Nallagandla Village, Serilingampally Mandal, GHMC Circle, Telangana State;

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 suspend the Speaking Order passed by the Respondent No. 3 vide in Lr. No. 4388/UC/2024, dated 10. 04. 2024 , pending disposal above writ petition;

Counsel for the Petitioner(s):SRI. POOJARI SRILEKHA

Counsel for the Respondents: GP FOR MCPL ADMN URBAN DEV

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO.13269 OF 2024

ORDER:

This Writ Petition is filed questioning the orders passed by the third respondent in proceedings No.4388/UC/2024, dated 10.04.2024 directing to remove the unauthorized construction within 15 days from the date of receipt of the said notice failing which further action would be taken by the GHMC and the expenses thereon would be recovered from him as per the TS-bPASS Act, 2020 and the GHMC Act, 1955.

2. The case of the petitioner is that, after receipt of the said show cause notice, dated 26.03.2024, he has submitted an explanation, dated 28.03.2024. The respondents, without considering the said explanation in proper perspective, have passed the impugned order stating that the petitioner has constructed Cellar + Ground + 3 Upper floors & Partly 4th floor and converted the residential building into other than residential purpose as against the sanctioned plan i.e. Stilt + 2 Upper Plot No.267 of Survey Nos.302 to 310, 320 to 322, 324 to 361, 363 to 365, 384, 385, 387 to 391 and 399 situated at Nallagandla Village, Serilingampally Mandal.

3. The grievance of the petitioner is that, while conducting field inspection, no opportunity was provided to the petitioner and that certain constructions/deviations are permissible for regularization under various Government orders issued from time to time in that regard. The respondents, without taking into consideration of the constructions which are permissible for regularization or for imposition of compounding the same, have passed an order for removal of the same treating the same as unauthorized constructions.

4. Learned counsel for the petitioner submitted that against the impugned order, a statutory appeal under Section 655 of the GHMC Act is provided.

5. Mr. M.A.K.Mukheed, learned Standing Counsel appearing for the respondents 2 to 4, would submit that against the impugned order, a statutory appeal under Section 655 of the GHMC Act is provided and in view of the efficacious alternative remedy of filing appeal, the present Writ Petition is misconceived and is liable to be dismissed.

6. Learned counsel for the petitioner submitted that the impugned order, dated 10.04.2024 has been served on the petitioner on 18.04.2024 and therefore, as the time prescribed for filing of appeal is 30 days as per Section 655 of the GHMC

Act and as there is no in-charge officer to the Small Causes Court to take up the matters due to Summer Vacation, 2024, till filing of the appeal, the respondents may be directed not to take any coercive steps against the constructions made by the petitioner.

7. In view of the above submissions, this Court deems it appropriate to dispose of the Writ Petition relegating the petitioner to avail the efficacious remedy of filing an appeal under Section 655 of the GHMC Act immediately after reopening of the Courts after Summer Vacation, 2024 and till such time, the respondents are directed not to take any coercive action for removal of the constructions made by the petitioner, in pursuance of the impugned order, dated 10.04.2024.

8. With the above observations, the Writ Petition is disposed of.

There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

**SD/-N. SRIHARI
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

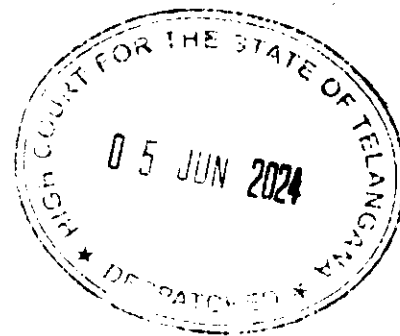
1. The Principal Secretary to Govt. Municipal Administration and Urban Development Department, Secretariat, Hyderabad - 500 022
2. The Commissioner, Greater Hyderabad Municipal Corporation, having its office at Municipal Complex Tankbund Road Hyderabad.
3. The Deputy Municipal Commissioner, GHMC Circle No. 20, Serilingampally, having its office at Serilingampally, Hyderabad
4. The Assistant City Planner, Greater Hyderabad Municipal Corporation Tankbund, Hyderabad
5. One CC to SRI. POOJARI SRILEKHA Advocate [OPUC]
6. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana. [OUT]
7. Two CD Copies

HIGH COURT

DATED:09/05/2024

ORDER

WP.No.13269 of 2024



DISPOSING THE WRIT PETITION

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5/6/24
LJK