

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

THURSDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 20862 OF 2021

Between:

A. Venkatesh, S/o Late Krishna, Aged about 45 years, Occ- Business, R/o H.No.2-3-703/1/J and 1, Tirumala Nagar, Amberpet, Hyderabad.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Deputy Commissioner, Circle-16, Amberpet Circle, Hyderabad.
3. The Assistant City Planner, Circle-16, Amberpet, GHMC, Hyderabad.
4. A. Ramaswamy, S/o Late A.Yenkaiah, Aged about 60 years, Occ- nil R/o H.No.2-3-703/1/K, Tirumala Nagar, Amberpet, 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, particularly one, in the nature of Writ of Mandamus, by declaring the inaction of the respondents 1 to 3 in not taking action against the 4th respondent, basing on the complaint of the petitioner dated 24.07.2020 and even after issuing the Notice under Section 452 of HMCA Act, as arbitrary, illegal, and unlawful and consequentially direct the respondents, to take action by the respondents 2 to 3, against the 4th respondent, for removal of the illegally erected gate and opening into the 10 feet lane at H.No.2-3-703/1/K, Amberpet, Hyderabad.

IA NO: 1 OF 2021

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 for removal of the obstructions being caused by the 4th

respondent into the 10 feet lane at H.No.2-3-703/1/K, Amberpet, Hyderabad pending disposal of the above writ petition.

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 permit the petitioner, to file additional affidavit in the above Writ Petition.

Counsel for the Petitioner: SRI G.VASANTHA RAYUDU

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

**Counsel for the Respondent Nos.2 & 3: SRI KATIKA RAVINDER REDDY, SC
FOR GHMC**

Counsel for the Respondent No.4: SRI P.SURYA NARAYANA MURTHY

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.20862 OF 2021

ORDER:

Heard Sri G.Vasantharayudu, learned counsel for the petitioner, Sri Katika Ravinder Reddy, learned Standing Counsel appearing for respondent Nos.2 and 3, learned Govt.Pleader for Municipal Administration and Urban Development for respondent No.1 and Sri P.Surya Narayana Murthy, learned counsel appearing for 4th respondent.

2. The petitioner herein is claiming that he is the absolute owner and possessor of the Houses bearing H.No.2-3-703/1/J AND 2-3-703/1/J/1 situated at Tirumalanagar, Amberpet (Circle-16). Both the houses are having 10feet approach way from 30feet road as these houses are inside and there is no other approach to both these houses. One of his neighbours by name A.Ramaswamy/4th respondent started harassing him. Though property of 4th respondent is facing approximately 30feet to 30 feet main road, he has installed an additional gate opening to the petitioner's pathway without his consent and thereby harassing the petitioner. When the said gate is opened, it blocks half of the way. The 4th respondent and his tenants commute through petitioner's pathway and started to park their vehicles blocking the way and creating nuisance

by dictating terms. Therefore, the petitioner has submitted a representation dated 24.07.2020 with 3rd respondent with a request to take action against 4th respondent. The petitioner has also submitted a representation dated 19.07.2021 requesting 2nd respondent to close the gate in dispute. The respondents did not take any action against the 4th respondent. Therefore, the petitioner has filed the present writ petition.

3. Respondent Nos.1 to 3 filed counter contending that on receipt of the said representation, dated 24.07.2020, show cause notice dated 02.09.2020 was issued to 4th respondent and he has submitted explanation dated 07.09.2020 stating that he is in possession of the house since 1987 after obtaining building permission vide permit No. 178/22, dated 03.02.1987 and since then the gate is existing. The respondent corporation did not initiate any further action as the gate is not constructed newly but existing since 1987. However, Sri Katika Ravinder Reddy, learned Standing Counsel appearing for respondent Nos.2 and 3, on instructions, would submit that the 3rd respondent will consider the representation dated 24.07.2020 and dispose it off in accordance with law.

4. In the light of the said submission, this writ petition is disposed of directing 3rd respondent to consider the representation dated 24.07.2020 submitted by the petitioner and dispose it of in accordance

with law by putting the petitioner and 4th respondent on notice and affording them an opportunity and communicate a copy of the said order to them. He shall complete the said exercise within a period of four (4) weeks from the date of receipt of a copy of this order.

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

SD-K.SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad, State of Telangana.
2. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle-16, Amberpet Circle, Hyderabad.
3. The Assistant City Planner, Circle-16, Amberpet, GHMC, Hyderabad.
4. One CC to SRI G.VASANTHA RAYUDU, Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
6. One CC to SRI KATIKA RAVINDER REDDY, SC FOR GHMC [OPUC]
7. One CC to SRI P.SURYA NARAYANA MURTHY, Advocate [OPUC]
8. Two CD Copies

PSK.

LS

4

HIGH COURT

DATED:28/11/2024

ORDER

WP.No.20862 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) Copies

300
8/1/25