

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

WEDNESDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 31055 OF 2024

Between:

K. Ananda Kumar, S/o: Late Sailu, aged about 41 years, Occ. Self-Employed
R/o H.No.8-3-169/60/122, Mahatmanagar, SPR Hills, Rahmath Nagar
Division, Yousufguda, Hyderabad-45, Telangana State.

...PETITIONER

AND

1. Office of the Collector, Hyderabad District.
2. Government of Telangana, Revenue Department Rep by its Principal Secretary.
3. Office of the Tahsildar, Khairatabad Mandal, Hyderabad District.
4. The Zonal Commissioner, The Greater Hyderabad Municipal Corporation Serilingampally Zone, Hyderabad.
5. The Deputy Commissioner, The Greater Hyderabad Municipal Corporation, Circle-19, Yousufguda Circle, Hyderabad 1
6. B. Kumar, S/o. Late Venkata Swamy, Aged about 39 years, Occ.Business, R/o. H.No. 8-3-169/60/1208/A, Mahatma Nagar, SPR Hills, Yousufguda, Hyderabad, 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 an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS by declaring the action of respondent authorities in not acting on the complaint submitted by the petitioner on 04-10-2024 against the illegal and unauthorized constructions undertaken by the respondent No. 6 at our house premises bearing No. 8-3-169/60/1208 at Mahatma Nagar, Yousufguda, Hyderabad and undertaken the constructions without obtaining valid permissions

as illegal, arbitrary, un-constitutional and also against the principles of natural justice and consequently direct the respondent authorities to act on the complaint submitted by the petitioner Dt. 04-10-2024 against the illegal and unauthorized constructions undertaken by the respondent 6 within our house premises bearing No. 8-3-169/60/1208 at Mahatma Nagar, Yousufguda, Hyderabad and undertaken the constructions and also without obtaining valid permission in the matter.

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 respondent authorities to act on the complaint submitted by the petitioner Dt. 04/10/2024 against the illegal and unauthorized constructions undertaken by the respondents 6 with the house premises bearing No. 8/3/169/60/1208 at Mahatma Nagar, Yousufguda, Hyderabad without obtaining valid permission in the matter.

Counsel for the Petitioner: SRI SATYANARAYANA PULLURU

Counsel for the Respondent Nos.1 to 3: AGP FOR REVENUE

Counsel for the Respondent No.4 and 5: SRI M.A.K. MUKHHED, SC

Counsel for the Respondent No.6:----

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.31055 of 2024

ORDER:

Heard learned counsel appearing for the petitioner, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 3 and Sri M.A.K. Mukheed, learned Standing Counsel appearing for respondent Nos.4 and 5. Perused the record.

2. In view of the nature of relief sought by the petitioners, this Writ Petition is disposed of at the admission stage dispensing with notice to respondent No.6.

3. The Revenue Divisional Officer, Hyderabad division issued Patta Certificate in Form-D in file No.F/208/96, dated 03.02.1996 in favour of the petitioner's mother i.e., Smt.K. Balamma. After her death, petitioner succeeded the said property. According to the petitioner, his mother constructed house in the said property pursuant to the

said Form-D Patta Certificate. Their names were also mutated in revenue records.

4. According to the petitioner, one Smt.Varalaxmi filed a suit vide O.S.No.740 of 1997 against his mother seeking perpetual injunction. The said suit was dismissed on 06.09.1999. Even then, respondent No.6 is making construction in the property belongs to the petitioner, Therefore, he has submitted a representation dated 04.10.2024 to respondent No.4 with a request to take action against respondent No.6. Despite receiving and acknowledging the said representation, respondent No.4 did not act upon the same. Aggrieved by the said inaction of respondent No.4, petitioner filed the present writ petition.

5. Whereas, Sri M.A.K. Mukheed, learned Standing Counsel appearing for respondent Nos.4 and 5, on instructions, would submit that respondent Nos.4 and 5 will take action against respondent No.6, strictly in

accordance with the procedure laid down under GHMC Act, 1955 by putting the petitioner, respondent No.6 and all interested parties on notice and affording them an opportunity.

6. In the light of the said submissions, this Writ Petition is disposed of, directing respondent Nos.4 and 5 to consider the representation dated 04.10.2024 submitted by the petitioner, strictly in accordance with the procedure laid down under GHMC Act, 1955 by putting the petitioner, respondent No.6 and all interested parties on notice and affording them an opportunity. If respondent Nos.4 and 5 are not inclined to accept the request made by the petitioner, they shall assign specific reasons and communicate copy of the said order to the petitioner herein. They shall complete the said action within four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any,
pending in the Writ Petition shall stand closed.

SD/-K. SREE RAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Zonal Commissioner, The Greater Hyderabad Municipal Corporation Serilingampally Zone, Hyderabad.
2. The Deputy Commissioner, The Greater Hyderabad Municipal Corporation, Circle-19, Yousufguda Circle, Hyderabad 1
3. One CC to Sri Satyanarayana Pulluru, Advocate [OPUC]
4. Two CCs to The GP for Revenue, High Court for the State of Telangana, at Hyderabad[OPUC]
5. One CC to Sri M.A.K. Mukheed, SC [OPUC]
6. Two CD Copies

TJ
BS

[Signature]

HIGH COURT

DATED:13/11/2024

ORDER

WP.No.31055 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9 Copies
del
3/12/24.