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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 32412 OF 2024

Between:

Rohith Shinde, S/o: Late Dileep Shinde, Aged about 26 Years, Occ: Business, R/o H.No.3-5-101/4, Tatiguda, Bheemsary Road, Adilabad District

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad.
2. Adilabad Municipality, Rep.by its Commissioner, Adilabad, Adilabad District.
3. Kailaswar Santosh, S/o: Kishan Rao, Aged about Major, Occ: Business R/o H.No.4-9-777, Teachers Colony, Adilabad Town, Adilabad District.
4. Kailaswar Bhagwanth Rao, S/o: Kishan Rao, Aged about Major, Occ: Business, R/o H.No.4-9-777, Teachers Colony, Adilabad Town, Adilabad District.

...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 inaction of the Respondent No.2 against illegal construction made by the respondent No. 3 and encroaching public road in respect of Door No. 4-4-5/12/1/1, in Sy.No.6/1, Filterbed Area Adilabad Town, Adilabad District, deviating construction permission bearing Permission 284866/ADIL/0741/2023 Dated 21-04-2023, pursuant to the representation dt.19/08/2024 and 14/10/2024, as being illegal, arbitrary, unjust and unconstitutional and consequently direct the Respondent No 2 herein to revoke

the permission bearing 284866/ADIL/0741/2023 Dated 21/04/2023 and demolish the illegal construction made by respondent Nos. 3.

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 No. 2 herein to stop the unauthorized construction of the respondent No. 3 and 4 herein in respect of Door No. 4-4-5/12/1/1, in Sy.No.6/1, Filterbed Area Adilabad Town, Adilabad District, by considering written representation dated 19/08/2024 and 14/10/2024, pending disposal of the main writ petition.

Counsel for the Petitioner: SRI GAJANAND CHAKRAVARTHI

Counsel for the Respondent No.1: AGP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for the Respondent No.2: SRI M. RAM MOHAN REDDY, S.C. FOR MUNICIPALITIES

Counsel for the Respondent Nos.3 & 4: --

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.32412 OF 2024

ORAL ORDER:

Heard Sri Gajanand Chakravarthi, learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development for respondent No.1 and Sri M. Ram Mohan Reddy, learned Standing counsel appearing for respondent Nos.2 to 4. Perused the record.

2. Petitioner is a resident of Tatiguda, Bheemsary Road, Adilabad District. Respondent Nos.3 and 4 obtained Building permit order dated 21.04.2023 from respondent No.2 for construction of Stilt for parking + 3 Upper floors and they are making construction in deviation to the said building permit order. Therefore, petitioner has submitted a representation dated 14.10.2024 to respondent No.2 with a request to take action against respondent Nos.3 and 4 for making

construction in deviation of the Building permit order dated 21.04.2023. Despite receiving and acknowledging the said representation, respondent No.2 did not act upon the same. Aggrieved by the said inaction of respondent No.2, petitioner filed the present writ petition.

3. Whereas, Sri M. Ram Mohan Reddy, learned Standing counsel appearing for respondent No.2 produced the written instructions of respondent No.2, wherein, it is stated that on receipt of representation dated 14.10.2024, respondent No.2 issued a notice dated 15.10.2024 to respondent Nos.3 and 4 requesting them to submit certain documents including ownership document, link document, copy of building permit order, etc. Seven (7) days time was granted to them to submit the same. They refused to receive the said notice. Therefore, respondent No.2 authorities affixed the said notice on the subject property. However, respondent No.2 will take action strictly in accordance with law by putting

the petitioner and respondent Nos.3 and 4 on notice and affording them an opportunity. The said written instructions are placed on record.

4. In the light of the said submission, notice to respondent Nos.3 and 4 is dispensed with.

5. This writ petition is disposed of directing respondent No.2 to take action against respondent Nos.3 and 4, pursuant to notice dated 15.10.2024, if they are making construction in deviation of the Building permit order dated 21.04.2023, strictly in accordance with law, by putting the petitioner and respondent Nos.3 and 4 on notice and affording them an opportunity. He shall complete the said action as expeditiously as possible, preferably, within a period of eight (8) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

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

Sd/- N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

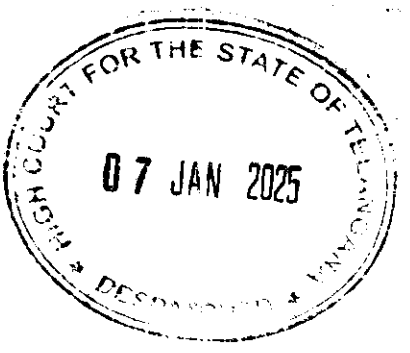
To,

1. The Commissioner, Adilabad, Adilabad Municipality, Adilabad District.
2. One CC to Sri Gajanand Chakravarthi, Advocate [OPUC]
3. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri M. Ram Mohan Reddy, S.C. for Municipalities [OPUC]
5. Two CD Copies

T J
MP

HIGH COURT

DATED:20/11/2024



ORDER

WP.No.32412 of 2024

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

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G.B
27/12/2024