

**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: 32520 OF 2024

Between:

P. Avinash, S/o. Sri P. Murghani, Aged about 32 Years, Occ ; Business, R/o.H.No.8-2- 136/141/A, Sheikpet, Maruthi Nagar Colony, Hyderabad - 500 008.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary (Municipal Administration and Urban Development Department, Secretariat, Secretariat Building, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Khairatabad Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Khairatabad, Hyderabad.
5. Asst. City Planner, Greater Hyderabad Municipal Corporation, Circle - 18, Khairatabad, Hyderabad.
6. Jabber, S/o. Not known to the Petitioner, Aged about 50 years, Occ Not Known, R/o. Plot No. 362, O. U Colony, Sheikpet, Hyderabad- 500 008.

.....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, orders or direction, more particularly one in the nature of the Writ of Mandamus, declaring the action of the Respondents, more particularly, 4th and 5th Respondents in not taking any action against the 6th Respondent pursuant to his illegal and unauthorized construction over the Premises bearing Plot No. 362, O.U Colony, Sheikpet, Hyderabad- 500008, which

was undertaken by him without having any valid statutory permissions, is being arbitrary, illegal, contrary to the GHMC Act, 1955 and T. S B- Pass Act, 2020, besides being violation of Articles 14 and 21 of the Constitution of India and consequently direct the official Respondents to demolish the illegal and unauthorized constructions of the 6th Respondent over the Premises bearing Plot No.362, O.U Colony, Sheikpet, Hyderabad- 500008 by duly taking into consideration of the Petitioners representations/complaints dated 08- 07- 2024, 16-07-2024 and 19- 7-2024,

I.A.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 official respondents to demolish the illegal and unauthorized constructions of the 6th Respondent over the Premises bearing Plot No. 362, O. U Colony, Sheikpet, Hyderabad- 500008 duly taking into consideration of the Petitioners representations/complaints dated 08-07-2024, 16-07-2024 and 19-07-2024.

Counsel for the Petitioner : SRI BONDEMPALLY RAMULU

Counsel for the Respondent No.1 : GP FOR MCPL ADMN AND URBAN DEVELOPMENT

Counsel for the Respondent Nos.2 to 5 : SRI K.SIDDHARTH RAO

Counsel for the Respondent No.6 : --

The Court at the stage of admission made the following ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.32520 of 2024

ORDER:

Heard learned counsel appearing for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri K. Siddharth Rao, learned Standing Counsel appearing for respondent Nos.2 to 5. Perused the record.

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

3. Petitioner is a resident of Shaikepet, Maruthi Nagar Colony, Hyderabad. Respondent No.6 is making construction without obtaining permission from respondent Nos.2 to 5. Therefore, he has submitted a representation dated 08.07.2024 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, the petitioner filed the present writ petition.

4. Sri K. Siddharth Rao, learned Standing Counsel appearing for respondent Nos.2 to 5, on instructions, would submit that on receipt of the said representation dated 08.07.2024, respondent No.4 has already issued show cause notice, dated 22.08.2024 to respondent No.6. On instructions, he would further submit that respondent No.6 has obtained building permission for construction of stilt + 2 upper floors. Respondent No.6 constructed 3 and 4 floors unauthorizedly. Therefore, respondent No.4 issued show cause notice, dated 22.08.2024 granting seven (7) days time to respondent No.6 to submit explanation. Despite receiving and acknowledging the said show cause notice, respondent No.6 did not submit any explanation. Therefore, respondent No.4 will pass a speaking order and take further action against respondent No.6 for the said unauthorized construction, strictly in accordance with the procedure laid down under the Greater Hyderabad

Municipal Corporations Act, 1955, by putting the petitioner and respondent No.6 on notice and affording them an opportunity.

5. In the light of the said submissions, this writ petition is disposed of directing respondent No.4 to take further action pursuant to the show cause notice, dated 22.08.2024 against respondent No.6 strictly in accordance with law, by putting the petitioner and respondent No.6 on notice and affording them an opportunity. He shall complete the said exercise within a period of 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, miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, (Municipal Administration and Urban Development Department, Secretariat, Secretariat Building, State of Telangana at Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Khairatabad Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Khairatabad, Hyderabad.
5. The Asst. City Planner, Greater Hyderabad Municipal Corporation, Circle - 18, Khairatabad, Hyderabad.
6. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]

7. One CC to SRI BONDEMPALLY RAMULU, Advocate (OPUC)
8. One CC to SRI K.SIDDHARTH RAO, Advocate (OPUC)
9. Two CD Copies

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HIGH COURT

DATED:20/11/2024

ORDER

WP.No.32520 of 2024



**DISPOSING OF THE W.P
AT THE STAGE OF ADMISSION
WITHOUT COSTS.**

⑪) Cpi &
Bm
11/12/24