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

TUESDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO: 541 OF 2024

Between:

1. ChakkaliBhoompally Lakshmi, W/o. Late Lingai4 Aged about 69 years, Occ. Dhobi.
2. ChakaliBhoompallyYadagiri, S/o. Late Lingaiah, Aged 50 years, Occ. Dhobi
3. ChakaliBhoompallyRamachandram, s/o. Late Lingaiah, Aged 44 years, Occ. Dhobi.
4. ChakaliBhoompallyParushramulu, S/o. Late Lingaiah, Aged 35 years, Occ. Dhobi
5. ChakaliBhoompally Rajasekhar, S/o. Late Lingaiah, Aged 34 years, Occ. Dhobi
6. ChakaliBhoompallyNarsaiah, S/o. Late Raja Mallaiah, Aged 67 years, Occ. Dhobi All are R/o.H.No.11-4-66, Bharath Nagar, Siddipet, Siddipet District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. Siddipet Urban Development Authority, D.No.18-19-25/1/2/10, By-pass Road, Siddipet 502103. Rep. by its Chairman
3. Siddipet Municipality, Door No.9-3-100, Near Sri Venkateshwara temple, Siddipet-502103, Dist.Siddipet. Rep. by its Commissioner.
4. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
5. The Revenue Divisional Officer, Siddipet, Siddipet District, T.S.
6. The Tahsildar, SiddipetUrban,Siddipet Mandal, Siddipet District, T.S.
7. The Sub-Registrar, Siddipet Urban, Siddipet, Siddipet District, T.S.
8. NarayanaraopetRajaiah, S/o. Late Pochaiah, Aged about 59 years, Occ. Employee in Veterniary Hospital, R/o. H.No.5-4-43, ParupallyVeedhi, Dhobigally, Siddipet Town, Siddipet District.

9. NarayanaraopetMuthaiah, S/o. Late Pochaiah, Aged about 61 years, Occ. Business R/o. H.No.5-4-42, ParupallyVeedhi, Dhobigally, Siddipet Town, Siddipet District.

10. NarayanaraopetYadaiah, S/o. Late Pochaiah, Aged about 55 years, Occ. Business, R/o. H.No.5-4-42, ParupallyVeedhi, Dhobigally, Siddipet Town, Siddipet District.

11. Narayanaraopet Bhopal, Sio. Rajaiah, Aged about 40 years, Occ. Business, R/o. H.No.5-4-43, ParupallyVeedhi, Dhobigally, Siddipet Town, Siddipet District.

12. NarayanaraopetGanesh, S/o. Rajaiah, Aged about 59 years, Occ. Business, R/o. H.No.5-4-57, ParupallyVeedhi, Dhobigally, Siddipet Town, Siddipet District.

13. Vadepalli Vimala, W/o. Chirarijeevuloo, Aged about 56 years, Occ. Household, R/o. H.No.8-1-24/1, Subhash Road, Siddipet District.

14. Bhoompally Srinivas, S/o. Parshuramulu, Aged about 42 years, Occ. Business, R/o. H.No.5-3-61/1, Dhobigalli, Siddipet Town, Siddipet District.

15. NarayanaraopetKalavathi, W/o. Yadaiah, Aged about 50 years, Occ. household, R/o. H.No.5-4-42, ParupallyVeedhi, Dhobigally, Siddipet Town, Siddipet 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 a WRIT OF MANDAMUS directing the Respondents 1 to 3 not to grant any permission for any construction in respect of property bearing Survey No. 1620 admeasuring 0-38 guntas, situated at Siddipet Municipality, Siddipet Urban Mandal, Siddipet District.

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 pleased to direct the Respondent No.1 to 3 to demolish the illegal constructions being erected by the Respondents 8 to 15on the landbearing Survey No. 1620 admeasuring 0-38 guntas, situated at Siddipet Municipality, Siddipet Urban Mandal, Siddipet District pending disposal of the main Writ Petition.

IA NO: 2 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 Nos.8 to 15 not to make any constructions on the land bearing Sy.No.1620, admeasuring 0-38 guntas, situated at Siddipet Municipality, Siddipet Urban Mandal, Siddipet District pending disposal of the main Writ Petition.

IA NO: 3 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 Nos.4 to 7 not to register, transfer or mutate the property in Sy.No.1620, situated at Siddipet Municipality, Siddipet Urban Mandal, Siddipet Districtpending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI PRABHAKAR SRIPADA, SR. COUNSEL FOR SRI SETTY RAVI TEJA

Counsel for the Respondent No.1 & 2: GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for the Respondent No.3: SRI B. JAGAN MADHAV RAO, SC FOR SIDDIPET MUNICIPALITY

Counsel for the Respondent No.4 to 7: GP FOR REVENUE

Counsel for the Respondent No.8 to 15: - - - -

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.541 OF 2024

ORDER:

This Writ Petition is filed for issue of writ of mandamus directing the respondent Nos.1 to 3 not to grant any permission for any construction in respect of property bearing Survey No.1620 admeasuring 0.38 gts. situated at Siddipet Municipality, Siddipet Urban Mandal, Siddipet District.

2. Heard Sri Prabhakar Sripada, learned Senior Counsel appearing on behalf of Sri Setty Raviteja, learned Counsel for petitioner, learned Government Pleader for Municipal Administration & Urban Development for respondent Nos.1 and 2, Sri B. Jagan Madhav Rao, learned Standing Counsel appearing on behalf of respondent No.3, learned Government Pleader for Revenue appearing for respondent Nos.4 to 7 and with the consent of the learned Counsel appearing for the parties, the Writ Petition is taken up for hearing and disposal at the admission stage.

3. Having regard to the manner of disposal of the Writ Petition at the admission stage, and the *lis* involved in this Writ Petition, this Court is of the view that notice to unofficial

respondent Nos.8 to 15 is not necessary for adjudication of the present Writ Petition.

4. Sri Prabhakar Sripada, learned Senior Counsel appearing on behalf of the learned Counsel for petitioner fairly submits that a writ of mandamus cannot be issued restraining an authority from performing its statutory functions as in the facts of the present case directing not to grant any permission for any construction in respect of the property. (See: **State of Gujarat v. Choodamani Parameshwaran Iyer**[1]; **Kartar Singh v. State of Punjab**[2]; and **I. Sangli v. District Registrar, Mahal Registration, Office Unit I**[3]). However, learned Senior Counsel submits that the petitioner would approach the respondent No.3 authority by submitting a fresh representation bringing to the notice of the authority how the unofficial respondents are seeking for grant of building permission by misrepresenting the facts whereby the authorities can exercise powers conferred on them under Section 176(9) of the Telangana Municipalities Act, 2019.

5. Learned Senior Counsel would further submit that on petitioner approaching the respondent authorities and

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[1] 2023 SCC Online SC 1043
[2] (1994) 3 SCC 569
[3] (2019 SCC Online Madras 30016

submitting a fresh representation, the authorities may be directed to dispose of the same in accordance with law in a time bound manner.

6. Sri B. Jagan Madhav Rao, learned Standing Counsel appearing on behalf of respondent No.3 submits that if the petitioner approaches the respondent authorities and submits a representation, the authorities would consider the same in accordance with law and take further action in the matter.

7. Having regard to the submissions made as above, this Court is of the view that in the event of the petitioner approaching the respondent authorities and submitting a fresh representation with all the relevant details, the respondent No.3 shall consider and dispose of the same in accordance with law within a period of four weeks from the date of receipt of a copy of the said representation.

8. Subject to the above direction, the Writ Petition is disposed of. No costs.

9. As a sequel, miscellaneous petitions pending if any shall stand closed.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

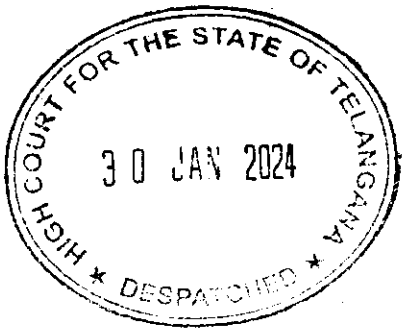
1. The Principal Secretary, Municipal Administration and Urban Development Department, The State of Telangana, Secretariat, Hyderabad.
2. The Chairman, Siddipet Urban Development Authority, D.No.18-19-25/1/2/10, By-pass Road, Siddipet 502103.
3. The Commissioner, Siddipet Municipality, Door No.9-3-100, Near Sri Venkateshwara temple, Siddipet-502103, Dist.Siddipet.
4. The Principal Secretary, Revenue Department, The State of Telangana, Secretariat, Hyderabad.

5. The Revenue Divisional Officer, Siddipet, Siddipet District, T.S.
6. The Tahsildar, Siddipet Urban, Siddipet Mandal, Siddipet District, T.S.
7. The Sub-Registrar, Siddipet Urban, Siddipet, Siddipet District, T.S.
8. One CC to SRI SETTY RAVI TEJA, Advocate [OPUC]
9. One CC to SRI B. JAGAN MADHAV RAO, SC FOR [OPUC]
10. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana. [OUT]
11. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
12. Two CD Copies

BN
GJP

HIGH COURT

DATED:09/01/2024



ORDER

WP.No.541 of 2024

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

(16) VLV
30/1/24