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

MONDAY ,THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 35294 OF 2024

Between:

A Shravan Kumar, S/o Late Sudershan Aged about 40 years, Occupation. Private Employee, R/o H No 6-1-287, Flat No 302, Gharonda Apartments, Near Padmarao Nagar Main Road, Walkertown, Secunderabad

...PETITIONER

AND

1. The State of Telangana, represented By its Principal Secretary MA and UD, TS Secreteriait, Hyderabad
2. The Commissioner Greater Hyderabad Municipal Corporation, GHMC, Lower Tank bund road, Hyderabad
3. The Zonal Commissioner, Begumpet Municipal Circle, GHMC, Begumpet, Secunderabad
4. The Assistant City Planner, Office of The The Zonal Commissioner, Begumpet C,30 Municipal Circle, GHMC, Begumpet, Hyderabad
5. M. Vaishno Shree, W/o G Vijay Bhaskar, Aged. Major, Occ. business, R/o H No 1-6-212/65/ 107/18, Ganga Putra Colony, Musheerabad 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 more in the nature of Mandamus, declaring the inaction of respondents more particularly that of respondents 3, and 4 in not initiating any action in pursuant to the complaints dated 20.11.2024 against respondent No 5 who is making illegal constructions in H No 6-1-285/4 (GF) and 6-1-285/4-1 (FF) forming part of Walkertown, Padmarao Nagar, Secunderabad in deviation to sanction plan vide Permit No. 379338/GHMC/4172/2024 dated 22.04.2024 as being as being Illegal, Arbitrary Un Constitutional, being violative of Articles 21 and 300A, against the Letter and spirit of Catena of Judgments rendered by this Honorable Court as well that of Honorable Supreme Court of India apart from being violative of principles of

natural Justice and Fair play and consequently demolish the illegal structure raised

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 respondents 2 to 4 to ensure action on respondent No 5 from proceeding any further with illegal construction over and above the H No 6-1-285/4 (GF) and 6-1-285/4-1 (FF) forming part of Walkertown, Padmarao Nagar, Secunderabad in deviation to sanction plan vide Permit No. 379338/GHMC/4172/2024 dated 22.04.2024 pending the disposal of present writ petition

Counsel for the Petitioner: Ms. DANTHIKA AISHWARYA

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

Counsel for the Respondent Nos. 2to4: SRI MIDDE ARUN KUMAR, SC FOR GHMC

Counsel for the Respondent No.5: --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.35294 of 2024

ORDER:

Heard Ms. Danthika Aishwarya, learned counsel appearing for the petitioner and Sri Midde Arun Kumar, learned Standing Counsel appearing for respondent Nos.2 to 4.

2. Petitioner is a resident of Gharonda Apartments, Near Padmarao Nagar Main Road, Walkertown, Secunderabad. According to the petitioner, respondent No.5 is making construction in deviation to building permit order, dated 22.04.2024. Therefore, he has submitted a representation, dated 20.11.2024 to respondent No.2 with a request to take action against respondent No.5. Despite receiving and acknowledging the said representation, respondent No.2 did not act upon the same. Aggrieved by inaction of respondent No.2, the petitioner filed the present Writ Petition.

3. Whereas, Sri Midde Arun Kumar, learned Standing for respondent Nos.2 to 4 produced written instructions of Deputy City Planner, Circle -30, GHMC,

stating that respondent No.5 has obtained building permit order, dated 22.04.2024 for construction of stilt for parking (+) two upper floors and constructed one extra floor un-authorizedly. Therefore, on receipt of representation, dated 20.11.2024, Deputy Commissioner has already issued show-cause notice, dated 26.11.2024 to respondent No.5 with a request to submit explanation within seven (7) days. He has not submitted any explanation. Therefore, the Deputy Commissioner has passed Speaking Order, dated 04.12.2024 directing respondent No.5 to remove the said unauthorized floor and he will take steps in accordance with law pursuant to the said Speaking Order, dated 04.12.2024. It is further mentioned that respondent No.5 has filed a suit in O.S.No.260 of 2024 and the learned XIX Senior Civil Judge, City Civil Court, Secunderabad, granted interim injunction against GHMC restraining GHMC from taking any action against the deviations. The said suit is pending and the said interim injunction is subsisting. After dismissal of the said suit and I.A., he will take steps, in accordance with law. The said written instructions are placed on record.

4. As stated supra, admittedly respondent No.5 made construction third floor un-authorizedly in deviation to the building permit order, dated 22.04.2024. It is an unauthorized construction. In proof of the same, the petitioner has filed photographs. Even according to Deputy Commissioner, concerned GHMC has already issued show-cause notice, dated 26.11.2024 granting seven (7) days time to respondent No.5 to submit explanation. He failed to submit any explanation. Therefore, he has already passed Speaking Order, dated 04.12.2024 directing respondent No.5 to remove the said unauthorized construction.

5. It appears, without considering the said aspects, the learned XIX Senior Civil Judge, City Civil Court, Secunderabad granted interim injunction in I.A.No.928 of 2024 in O.S.No.260 of 2024. The said order is in violation of Circular instructions of this Court in ROC No.14/Rcg.Judl./2023, dated 08.11.2023 and the Judgment passed by a Division Bench of this Court, dated 15.11.2007 in **Municipal Corporation of Hyderabad, Hyderabad v. Philomena Education Foundation of India, Hyderabad**[1].

[1] 2008 (2) ALT 670

Therefore, Registry is directed to call for explanation from learned XIX Senior Civil Judge, City Civil Court, Secunderabad.

6. This Writ Petition is disposed of directing respondent Nos.2 to 4 and the Deputy Commissioner concerned to take action against respondent No.5 for construction of unauthorized floor in deviation to building permit order, dated 22.11.2024, pursuant to the said Speaking Order, dated 04.12.2024, 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.

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

SD/-V.KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary MA and UD, TS Secretariat, T.S.,Hyderabad
2. The Commissioner Greater Hyderabad Municipal Corporation, GHMC, Lower Tank bund road, Hyderabad
3. The Zonal Commissioner, Begumpet Municipal Circle, GHMC, Begumpet, Secunderabad
4. The Assistant City Planner, Office of The The Zonal Commissioner, Begumpet C.30 Municipal Circle, GHMC, Begumpet, Hyderabad
5. One CC to SRI. Danthika Aishwarya Advocate [OPUC]
6. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT ,High Court for the State of Telangana, at Hyderabad [OUT]
7. One CC to SRI. MIDDE ARUN KUMAR, SC FOR GHMC [OPUC]
8. Two CD Copies

B M
GJP

HIGH COURT

DATED:16/12/2024



ORDER

WP.No.35294 of 2024

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

PA-
16/12/25
11 Copies