

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

WEDNESDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 35573 OF 2024

Between:

Sri Ramanagoni Venketsh, S/o Ramanagoni Anjaiah, aged about 39 years, Occ : Business, R/o H.No.1-87/3, Thangadpally Village, Choutuppal Mandal, Yadadri Bhuvanagiri District, Telangana State.

.....PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, Hyderabad.
2. The Choutuppal Municipality, Rep. by its Commissioner, Choutuppal, Yadadri Bhuvanagiri District.
3. Smt Ettagoni Ranamma, W/o, E.Jangaiah, Aged about 38 years, Occ Home Maker, R/o H.No.5-18/1, Thangadpally Village, Choutuppal Mandal, Yadadri Bhuvanagiri 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 a Writ, Order or Direction, more particularly, one in the nature of Writ of Mandamus, by declaring the action of the 2nd respondent in passing revocation order U/s.174 (4) (10) of Telangana Municipalities Act, 2019, vide No. 412427/CHUT/0259/2024, Dated 08-08-2024, on petitioner's House bearing No. 1-134 (Assessment No.1256500134), Admeasuring 140.00 Sq. Yds., equivalent to 117.04 Sq. Mtrs., Situated at Gramakantam, Thangadapally, Under Choutuppal Municipality Limits, Choutuppal Mandal, Yadadri Bhuvanagiri District, as arbitrary, illegal, unlawful and contrary to principles of nature of justice and infringement

fundamental rights guaranteed under Article 14, 21 and 300-A of the Constitution of India and consequently, to set aside the same by restoring the building permit No. 412427/CHUT/0259/2024, Dated 08-07-2024, on above said subject property.

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 suspend the impugned revocation order No. 412427/CHUT/0259/2024, Dated 08-08-2024, on the petitioner's House bearing No. 1-134(Assessment No.1256500134), Admeasuring 140.00 Sq. Yds., equivalent to 117.04 Sq. Mtrs., Situated at " Gramakantam", Thangadapilly, Under, Choutuppal Municipality Limits, Choutuppal Mandal, Yadari Bhuvanagiri District during the pendency of the above writ petition.

Counsel for the Petitioner : SRI METTU SHANKAR

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

Counsel for the Respondent No.2 : SRI PUTTA KRISHNA REDDY

Counsel for the Respondent No.3 : --

The Court at the stage of admission made the following ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.35573 of 2024

ORDER:

Heard learned counsel appearing for the petitioner and Sri Krishna Reddy Putta, learned Standing Counsel appearing for respondent No.2. 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.3.

3. Petitioner herein is claiming that he is the absolute owner and possessor of house bearing No.1-134 (Assessment No.1256500134), admeasuring 140 Sq. yards, situated at Gramakantam, Thangadapally, within respondent No.2 - Municipality, on the strength of a registered sale deed bearing document No.7007 of 2023, dated 30.09.2023. It was in dilapidated condition. Therefore, he has obtained building permit order, dated 08.07.2024 from respondent No.2 under TSbPASS by way

of self-declaration and self-certification for construction of residential house. Construction is at initial stage. He has laid pillars. On receipt of complaint from respondent No.3, respondent No.2 has issued revocation order dated 08.08.2024.

4. It is the specific contention of the petitioner that respondent No.2 did not serve Show Cause Notice dated 20.07.2024 to the petitioner herein. But, the petitioner herein has submitted explanation, the same has been examined in detail and found un-satisfactory. Even in the revocation order dated 08.08.2024 there is no reference to the explanation submitted by petitioner herein. However, in the 2nd page of the said revocation order there is mention about submission of reply, examination of the same and found that it is un-satisfactory. Even, respondent No.2 did not mention the violation committed by the petitioner and the grounds on which the said building permit order of the petitioner dated 08.07.2024 was revoked. Therefore, impugned revocation order dated

08.08.2024 issued by respondent No.2 is in violation of principles of natural justice and also the procedure laid down under the Telangana Municipalities Act, 2019. Therefore, without going into the merits and demerits of the case, only the said ground the impugned revocation order dated 08.08.2024 issued by respondent No.2 is liable to be set aside.

5. Perusal of the record also would reveal that on receipt of the complaint from respondent No.3, respondent No.2 has issued another Show Cause Notice dated 25.10.2024 stating that there are Civil disputes pending between petitioner and respondent No.3 vide O.S.No.286 of 2023. Therefore, respondent No.2 directed the petitioner to stop construction. Seven days time was granted to the petitioner herein to submit explanation. However, petitioner did not submit any explanation to the said Show Cause Notice.

6. Perusal of the record would further reveal that respondent No.3 herein has filed the aforesaid suit vide

O.S.No.286 of 2023 against the father of the petitioner herein seeking perpetual injunction. The same is pending. There is no interim order.

7. In the light of the aforesaid discussion, this Writ Petition is disposed of setting aside the impugned revocation order dated 08.08.2024 issued by respondent No.2 and the matter is remanded back to respondent No.2 with a direction to initiate fresh action by issuing fresh Show Cause Notice to the petitioner herein by specifically mentioning the allegations leveled against the petitioner including the misrepresentation of facts, if any, within one week from the date of receipt of a copy of this order. On receipt of the said Show Cause Notice, petitioner shall submit explanation within 7 days from the date of receipt of said Show Cause Notice. Respondent No.2 shall consider the same and take action, strictly in accordance with the procedure laid down under Telangana Municipalities Act, 2019, by putting the petitioner and respondent No.3 on notice and

affording them an opportunity of hearing. He shall complete the said exercise within a period of four (4) weeks from the date of receipt of explanation from the petitioner herein. Till then, respondent No.2 is directed not to proceed further pursuant to the impugned revocation order dated 08.08.2024 and Show Cause Notice, dated 25.10.2024. However, petitioner shall make construction, strictly in accordance with the said building permit order dated 08.07.2024, failing which liberty is granted to respondent No.2 to take action against the petitioner, in accordance with law. If petitioner failed to submit explanation within the aforesaid time, liberty is granted to respondent No.2 to take action against the petitioner, in accordance with law. 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/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, State of Telangana at Hyderabad.
2. The Commissioner, Choutuppal Municipality, Choutuppal, Yadari Bhuvanagiri District.

Cont

3. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI METTU SHANKAR, Advocate [OPUC]
5. One CC to SRI PUTTA KRISHNA REDDY, Advocate (OPUC)
6. Two CD Copies

SA
LS



HIGH COURT

DATED:18/12/2024

ORDER

WP.No.35573 of 2024



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

9
[Signature]
18-01/2025