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

THURSDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 35704 OF 2024

Between:

Smt. T. Andalu, W/o. Sri. T. Krishna, aged about 49 years, Occ ; Housewife, R/o. H.No.13-4-239/6, Ziyaguda, Hyderabad.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, to Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Tankbund, Hyderabad. Rep. by its Commissioner.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No. XI, Rajendranagar, GHMC, Ranga Reddy District.
4. The Assistant Commissioner, Greater Hyderabad Municipal Corporation, Circle No. XI, Rajendranagar, GHMC, Ranga Reddy 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 or Order more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4 in interfering with constructional activity of the petitioner over the Petitioner Property i.e. Plot bearing No.38, in part of Survey Number 176/AB and 177/AB admeasuring 240 Sq. yards equivalent to 200.64 Sq. Meters Situated at Sirimalle Gardens, Phase - I, Upperpally Village, GHMC Rajendranagar Circle No. XI, Rajendranagar Mandal, Ranga Reddy District inspite of pendency of the petitioner written representation dated 3-12-2024 and without passing any orders and awaiting result upon it as

illegal, arbitrary, unjust and also against the provisions of HMC Act 1955 and TS-b PASS Act 2020 and against Article 14,16 and 300A of Constitution of India.

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 writ petition, the High Court may be pleased to direct the respondents 2 to 4 not to interfere with peaceful possession and enjoyment including constructional activity carrying on by the petitioner over the petitioner property i.e. Plot bearing No.38, in part of Survey Number 176/AB and 177/AB admeasuring 240 Sq. yards equivalent to 200.64 Sq. Meters Situated at Sirimalle Gardens, Phase - I, Upperpally Village, GHMC Rajendranagar Circle No. XI, Rajendranagar Mandal, Ranga Reddy District pending disposal of writ petition.

Counsel for the Petitioner : SRI NIMMALA SHESHIDHAR (NOT PRESENT)

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

Counsel for the Respondent Nos.2 to 4 : SRI RAPARTHI VENKATESH, SC FOR GHMC

The Court made the following ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.35704 OF 2024

ORAL ORDER:

None appears for the petitioner.

2. This writ petition is filed to declare the action of respondent Nos.2 to 4 in interfering with the construction activity of the petitioner over his property i.e. Plot bearing No.38 in part of Sy.No.176/AB and 177/AB, admeasuring 200.64 sq.mts. situated at Sirimalle Gardens, Phase-I, Upperpally village, GHMC Rajendranagar Circle No.XI, Rajendranagar Mandal, Ranga Reddy District.

3. Petitioner is claiming that she is the absolute owner and possessor of the subject property on the strength of a registered sale deed bearing document No.3084 of 2015, dated 20.04.2015. She has obtained Building permit order dated 29.12.2023 for construction of stilt for parking and two upper floors. According to the petitioner,

she is proceeding with the construction strictly in accordance with the said Building permit order. Even then, respondent No.3 has issued a show cause notice dated 03.10.2024 to the petitioner stating that she has raised columns for cellar illegally without prior permission from GHMC. Seven (7) days time was given to the petitioner to submit explanation. She has not submitted explanation to the said show cause notice within seven (7) days. Therefore, respondent No.3 has passed a speaking order dated 22.10.2024 directing the petitioner to remove the unauthorized construction within 15 days. Challenging the said speaking order, petitioner has filed a writ petition vide W.P.No.30032 of 2024. Vide order dated 04.11.2024, considering the fact that petitioner was not put on notice and explanation was not submitted by the petitioner, this Court has set aside the speaking order dated 22.10.2024 and directed the petitioner to submit explanation within seven (7) days to the said show cause notice dated 03.10.2024. Further,

respondent No.3 was directed to consider the same and pass appropriate orders in accordance with law within a period of four (4) weeks. If the petitioner failed to submit explanation within the aforesaid seven (7) days, liberty was granted to respondent No.3 to take action against the petitioner in accordance with law. This Court also directed the petitioner not to proceed further with construction pursuant to the Building permit order dated 29.12.2023, failing which, liberty was granted to respondent No.3 to take action against the petitioner in accordance with law. Without submitting explanation within seven (7) days, petitioner has filed the present writ petition alleging interference by respondent Nos.2 to 4 in the said construction activity.

4. Whereas, Sri Raparthi Venkatesh, learned Standing counsel appearing for respondent Nos.2 to 4 on instructions would submit that the petitioner did not submit explanation within the aforesaid seven (7) days time granted by this court. She has received copy of the

aforesaid order dated 04.11.2024 in W.P.No.30032 of 2024 on 30.11.2024 and she has submitted explanation only on 03.12.2024. Under the guise of the aforesaid order, she has completed the construction of cellar unauthorizedly. Still construction is going on. However, respondent No.3 will consider the explanation dated 03.12.2024 and take action against the petitioner strictly in accordance with law.

5. In the light of the same, this writ petition is disposed of directing respondent No.3 to consider the explanation dated 03.12.2024 and take action strictly in accordance with law by putting the petitioner on notice and affording her an opportunity. If the petitioner is proceeding with the construction illegally, including cellar, liberty is granted to respondent Nos.3 and 4 to take action against the petitioner in accordance with law including stopping of the construction and sealing of the building. In the circumstances of the case, 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/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariate, State of Telangana at Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tankbund, Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No. XI, Rajendranagar, GHMC, Ranga Reddy District.
4. The Assistant Commissioner, Greater Hyderabad Municipal Corporation, Circle No. XI, Rajendranagar, GHMC, Ranga Reddy District.
5. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to SRI NIMMALA SHESHIDHAR, Advocate [OPUC]
7. One CC to SRI RAPARTHI VENKATESH, SC FOR GHMC [OPUC]
8. Two CD Copies

SA
BSR

HIGH COURT

DATED:19/12/2024

ORDER

WP.No.35704 of 2024



DISPOSING OF THE W.P

WITHOUT COSTS.

03/1/2025