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: 35766 OF 2024

Between:

M/s Pratap Health and Foods (India) Private Limited, Represented by its Director, M Rama Krishna Reddy, S/o M. Subramanyeswara Reddy, 1-115, (Sy No. 94-D, Kompally Village, Gandimaisamma Dundigal Mandal, Medchal-Malkajgiri District.

.....PETITIONER

AND

1. State of Telangana, Rep.by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The Commissioner, Municipal Corporation, Kompally.
3. District Collector, Medchal-Malkajgiri District, Medchal-Malkajgiri, Telangana State.
4. Inspector of Police, Police Station, Pet-Basheerabad, Kompally, Telangana State.
5. The National Highway Authorities Limited, Rep. by its Director, NH-44, Authority, Kamareddy, Telangana.

.....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 Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents No.2 No.3 No.4, in not removing the illegal encroachment and construction on the Pavement/ Panchayat Road leading to National Highway Road, National Highway 44, as illegal, arbitrary and violative of the principals of natural justice.

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 respondents to Forthwith remove/demolish the encroachment and construction on the Pavement/Panchayat Road leading to National Highway Road, National Highway 44, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI THOMAS LLOYD

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

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

Counsel for the Respondent No.3 : GP FOR REVENUE

Counsel for the Respondent No.4 : G.P FOR HOME

Counsel for the Respondent No.5 : SRI M.RAMU

The Court made the following ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.35766 of 2024

ORDER:

Heard learned counsel for the petitioner, Sri Putta Krishna Reddy, learned Standing Counsel for respondent No.2, learned Assistant Government Pleader for Home, learned Government Pleader for Revenue and Sri M.Ramu, learned Standing Counsel for respondent No.5-National Highway Authorities Limited.

2. The petitioner is a limited company involved in the business of Packaging in the property bearing No.1-115, Survey No.94-D, Kompally Village, Gandimaisamma Dundigal Mandal, Medchal-Malkajgiri District. There are encroachments on NH-44 i.e., in front of its unit. Therefore, respondent No.5 vide proceedings dated 26.09.2022, requested respondent Nos.2 to 4 to remove the said encroachments. Petitioner has also submitted representation to the Project Director, National Highway Authorities Limited and also to respondent Nos.2 to 4 to remove the same. Despite receiving the acknowledgment of said representations, respondent Nos.2 to 4 are not taking any action. Aggrieved by the said inaction of respondent Nos.2 to 4, petitioner filed present writ petition.

3. Learned Standing Counsel for respondent No.2 on instructions would submit that respondent No.2 will consider the proceedings of respondent No.5 dated 26.09.2022 and the representation made by petitioner dated 17.09.2024 in accordance with procedure laid down under Telangana Municipalities Act, 2019 by affording an opportunity to the petitioner and all the interested parties.

4. In the light of the said submission, this Writ Petition is disposed of directing the respondent No.2 to consider the proceedings of respondent No.5 dated 26.09.2022, also representation of the petitioner dated 17.09.2024 and take action for removal of encroachments on N.H-44 situated at Kompally village in accordance with law as early as possible preferably within a period of eight (08) weeks from the date of receipt of a copy of this order. 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/- N.SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner, Municipal Corporation, Kompally.
3. The District Collector, Medchal-Malkajgiri District, Medchal-Malkajgiri, Telangana State.
4. The Inspector of Police, Police Station, Pet-Basheerabad, Kompally, Telangana State.
5. The Director, National Highway Authorities Limited, NH-44, Authority, Kamareddy, Telangana.
6. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
9. One CC to SRI THOMAS LLOYD, Advocate [OPUC]
10. One CC to SRI P.KRISHNA REDDY, Advocate (OPUC)
11. One CC to SRI M.RAMU, Advocate (OPUC)
12. Two CD Copies

SA
PSK

HIGH COURT

DATED:19/12/2024



ORDER

WP.No.35766 of 2024

DISPOSING OF THE W.P

WITHOUT COSTS.

18

10/2/2025