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

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

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 36446 OF 2024

Between:

1. Saragada Sampath Kumar Reddy, S/o: Late Jagga Reddy Saragadda, Aged about 59 years, Occ: Singareni colliery worker, R/o H.No 9-3-85/2, Old 9th Ward, New 17th Ward, Contractor Basthi, Bellampalli 504251 District Mancherial, Telangana State
2. Darappu Venkata Ramana Reddy, S/o: Late DarappuJampa Reddy, Aged about 66 years, Occ: Tutor in Private College Tuition Center, R/o H.No 9-3-85, Old 9th ward, New 17th Ward, Contractor Basthi, Bellampalli 504251 District Mancherial, Telangana State
3. Darappu Chandra Kala, W/o: Late Darappu Krishna Reddy, Aged 66, Occ: Teacher, R/o H.No 9-3-85/1, Old 9th ward, New 17th Ward, Contractor Basthi, Bellampalli 504251 District Mancherial, Telangana State.

...PETITIONERS

AND

1. The State of Telangana, Rep by Principal Secretary, Municipal Administration Urban Development Authority, Secretariat, Hyderabad
2. The Bellampalli Municipality, Rep by its Commissioner, Bellampalli, Mancherial District.
3. The Town Planning Executive, The Bellampalli Municipality, Bellampalli, Mancherial District.
4. The District Collector, Mancherial, Mancherial District
5. The Tahsildar, Bellampalli Mandal, Bellampalli- 504251 District Mancherial, Telangana State.

...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 Writ of Mandamus, declaring the action of the respondents, more particularly, Respondent No. 2 and 3 in interfering with the peaceful possession

and enjoyment of the premises of the petitioners by threatening to demolish the iron sheds and its Compound wall and the houses, H.Nos.9-3-85/2, 9-3-85 and 9-3-85/1, Old 9th Ward, New 17th Ward, Contractor Basti, Bellampalli-504201, Mancherial District, Telangana State, without following the due procedure and due process of law and in not considering their application dated 19-09-2024 and 28-09-2024 as well as earlier representations for allowing the petitioners to enjoy their property peacefully and to declare the respondents action as illegal, void, arbitrary and contrary to the provisions of the Telangana Municipalities Act, 2019, besides being violative of principles of natural justice and violative of order dated 22.07.2021 passed by this Hon'ble Court in W.P.No.16806 of 2021 and consequently direct the respondents, more particularly, Respondent No. 2 and 3 not to interfere with the peaceful possession of the petitioners houses bearing H.Nos.9-3-85/2, 9-3-85 and 9-3-85/1, Old 9th Ward, New 17th Ward, Contractor Basti, Bellampalli-504251, Mancherial District, Telangana State and not to demolish the iron sheds, its Compound Wall and houses of the petitioners and consider the application dated 19-09-2024 and 28-09-2024.

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 the respondents to consider the applications dated 19-09-2024& 28-09-2024 pending disposal of the above writ petition.

Counsel for the Petitioners: SRI Y. RAMA RAO AND ASSOCIATES

Counsel for the Respondent No.1: AGP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent Nos.2 and 3: SRI PUTTA KRISHNA REDDY, SC

Counsel for the Respondent Nos.4 and 5: AGP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.36446 OF 2024

ORAL ORDER:

Heard Sri Y. Rama Rao, learned counsel learned counsel for the petitioners, learned Assistant Government Pleader for Municipal Administration and Urban Development for respondent No.1, Sri Putta Krishna Reddy, learned Standing counsel appearing for respondent Nos.2 and 3 and learned Assistant Government Pleader for respondent Nos.4 and 5. Perused the record.

2. Petitioners are claiming that they are the absolute owners and possessors of houses bearing Nos.9-3-85/2, 9-3-85 and 9-3-85/1 situated at Old 9th Ward, New 17th Ward, Contractor Basti, Bellampalli, Mancherial District. In proof of the same, they have filed several documents including property tax receipts and house site patta certificates issued by respondent No.3 municipality,

etc. When respondent Nos.2 to 5 tried to dispossess them from the aforesaid property in the year 2021, they have filed a writ petition vide W.P.No.16806 of 2021 and this Court vide order dated 22.07.2021 disposed of the said writ petition directing the respondents not to take up any further demolition and they shall do the same strictly in accordance with the procedure established under law. This Court also made it clear that the petitioners shall not make any kind of construction without obtaining due permission from the competent authority. According to the petitioners, respondent Nos.2 to 5 without following due procedure laid down under law tried to dispossess them from the subject property and tried to demolish the same. Therefore, they have also submitted a representation dated 19.09.2024 to respondent Nos.2 to 4. Even then, they are trying to demolish the subject property without following the due procedure laid down under law. Challenging the said action of respondent Nos.2 to 4, petitioners filed the present writ petition.

3. Whereas, Sri Putta Krishna Reddy, learned Standing counsel appearing for respondent Nos.2 and 3 has produced the written instructions of respondent No.2 stating that the petitioners have constructed shed by encroaching Government land without permission obtained from competent authority and utilizing the same doing commercial activities. The said fact was admitted by the petitioners in Paragraph No.14 of the writ affidavit itself. However, respondent Nos.2 and 3 will take action against the petitioners by following due procedure laid down under Telangana Municipalities Act, 2019. The said written instructions are placed on record.

4. In the light of the aforesaid submission, this writ petition is disposed of directing respondent Nos.2 and 3 not to dispossess the petitioners from the subject property without following the due procedure laid down under Telangana Municipalities Act, 2019. However, if the petitioners are doing commercial activities in the

residential property or by encroaching into Government land, liberty is granted to respondent Nos. 2 and 3 to take action against the petitioners as per the procedure laid down under Telangana Municipalities Act, 2019. 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/-P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Bellampalli Municipality, Rep by its Commissioner, Bellampalli, Mancherial District.
2. The Town Planning Executive, The Bellampalli Municipality, Bellampalli, Mancherial District.
3. One CC to Sri Y. Rama Rao And Associates, Advocate [OPUC]
4. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to Sri Putta Krishna Reddy, SC [OPUC]
6. Two CC to The GP for Revenue, High Court for the State of Telangana, at Hyderabad[OUT]
7. Two CD Copies

T J
BS

HIGH COURT

DATED:26/12/2024



ORDER

WP.No.36446 of 2024

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

11
27/11/25