

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

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 36876 OF 2024

Between:

V. Pramotish Chandra Reddy, S/o. V. Ramchandra Reddy, Aged about 73 years, Occ. Retd. Govt Employee, R/o. 1-8-725/B/1 and B/2, Dwaraka Residency, Acchaiah Nagar, Nallakunta, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal secretary, MA and UD, Secretariat Buildings, Hyderabad, Telangana
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, BRKR Bhavan, Tank Bund, Hyderabad.
3. Zonal Commissioner, GHMC Zonal Office Secunderabad.
4. Dy. Commissioner, GHMC Circle-15, Abids, Hyderabad.
5. Assistant City Planner, GHMC Circle-15, Abids, Hyderabad.
6. Smt. V. Vani, W/o. Ravi Vittal Aged about 50 years, Occ. Business, R/o.1-9-296/A/9, Vidya Nagar, Ram Nagar, Hyderabad.
7. Sri V. Ravi, S/o. Late V.M. Linhaji Aged about 50 years, Occ. Business, R/o.1-9-296/A/9, Vidya Nagar, Ram Nagar, Hyderabad.
8. V. Manasa, D/o. V. Ravi Aged about 50 years, Occ. Business, R/o.1-9-296/A/9, Vidya Nagar, Ram Nagar, 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 declaring the action of respondent No.2-5 herein in not taking any action against the deviations, illegal and unauthorised constructions raised by the respondent No.6-8 in premises No.1-8-725/B/6/1, 1-8-725/B/6/2 and 1-8-

725/B/6/3, Achaiah Nagar, Nallakunta, Hyderabad, as illegal arbitrary and contrary to law and consequently direct the respondent No.2-5 to forthwith consider the petitioner representation dt.28.11.2024 and take action by way of demolishing the illegal and unauthorised 3rd, 4th and 5th floors over the permitted S 2 floors including the deviations in the permitted S 2 floors in premises No.1-8-725/B/6/ 1, 1-8-725/B/6/2 and 1-8-725/B/6/3, Achaiah Nagar, Nallakunta, Hyderabad.

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 No.2-5 to seal the illegal constructions made by respondent No.6, 7 and 8 in premises No.1-8-725/B/6/1, 1-8-725/B/6/2 and 1-8-725/B/6/3, Acchaiah Nagar, Nallakunta, Hyderabad U/s.461-A of GHMC Act-1955, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI KATIGHAR ANIL KUMAR

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

**Counsel for the Respondent Nos.2 to 5: SRI MIDDE ARUN KUMAR,
S.C. FOR GREATER HYDERABAD MUNICIPAL CORPORATION**

Counsel for the Respondent Nos.6 to 8: ---

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.36876 of 2024

ORDER:

Heard learned counsel appearing for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri Midde Arun Kumar, learned standing counsel appearing for respondent Nos.2 to 5. 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 Nos.6 to 8.

3. The petitioner herein is resident of Dwaraka Residency, Achaiah Nagar, Nallakunta, Hyderabad. Respondent Nos.6 to 8 are making illegal and unauthorized construction in deviation to the building permit order. They have obtained permission for

construction of Stilt + 2 Upper floors and constructed three (3) additional floors. The same is un-authorized construction. In proof of the same, he has filed photographs. Therefore, petitioner has submitted a representation, dated 28.11.2024 to respondent Nos.2 to 5 with a request to take action against respondent Nos.6 to 8. Despite receiving and acknowledging the said representation, respondent Nos.2 to 5 did not act upon the same. Aggrieved by the said inaction of respondent Nos.2 to 5, petitioner filed the present writ petition.

4. Whereas, Sri Midde Arun Kumar, learned standing counsel appearing for respondent Nos.2 to 5, on instructions, would submit that on coming to know about the said un-authorized construction, respondent No.4 has issued Show Cause Notice, dated 27.08.2024 to respondent Nos.6 to 8. They did not submit explanation. Instead of submitting explanation, respondent Nos.7 and 8 filed a suit vide O.S.No.2939 of 2024 against respondent No.2 seeking perpetual injunction. Vide order

dated 11-07-2024, in I.A.No.708 of 2024 in O.S.No.2939 of 2024 learned VI Junior Civil Judge, City Civil Court, Hyderabad granted interim injunction.

5. However, learned trial Court observed that if respondent Nos.7 and 8 - plaintiffs therein raises construction by violating the permission, defendant corporation therein - respondent No.2 herein to initiate action, as per law. Even then, respondent Nos.2 to 5 are not taking any further action against respondent Nos.7 and 8 herein / plaintiffs in O.S.No.2939 of 2024.

6. As discussed supra, it is the specific contention of petitioner that respondent Nos.6 to 8 have obtained building permission for construction of Stilt + 2 Upper floors and they have constructed 3 additional floors unauthorizedly. Learned Trial Court granted liberty to respondent No.2 herein / defendant therein to initiate action against respondent Nos.7 and 8 herein / plaintiffs

therein if the construction is illegal and contrary to the building permit order.

7. Sri Midde Arun Kumar, learned standing counsel appearing for respondent Nos.2 to 5, on instructions, would submit that respondent No.4 will take action against respondent Nos.6 to 8, strictly in accordance with the procedure laid down under the GHMC Act, 1955 by putting the petitioner and respondent Nos.6 to 8 on notice and affording them an opportunity of hearing.

8. In view of the said submission, this Writ Petition is disposed of directing the respondent No.4 to consider the representation dated 28.11.2024 submitted by the petitioner and take action against respondent Nos.6 to 8 pursuant to the Show Cause Notice, dated 27.08.2024. Respondent No.4 shall take all necessary steps to stop illegal / un-authorized construction made by respondent Nos.6 to 8, as observed by the learned VI Junior Civil Judge, City Civil Court, Hyderabad, vide order dated

11.07.2024 passed in I.A.No.708 of 2024 in O.S.No.2939 of 2024, strictly in accordance with the procedure laid down under the GHMC Act, 1955, by putting the petitioner and respondent Nos.6 to 8 on notice and affording them an opportunity of hearing. 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/-T. TIRUMALA DEVI
ASSISTANT REGISTRAR

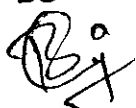
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SECTION OFFICER /

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, Hyderabad, Telangana
2. The Commissioner, Greater Hyderabad Municipal Corporation, BRKR Bhavan, Tank Bund, Hyderabad.
3. The Zonal Commissioner, GHMC Zonal Office Secunderabad.
4. The Dy. Commissioner, GHMC Circle-15, Abids, Hyderabad.
5. The Assistant City Planner, GHMC Circle-15, Abids, Hyderabad.
6. One CC to SRI KATIGHAR ANIL KUMAR, Advocate [OPUC]
7. One CC to SRI MIDDE ARUN KUMAR, S.C. for Greater Hyderabad Municipal Corporation [OPUC]
8. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

KKS
BS



CC TODAY

HIGH COURT

DATED:31/12/2024

ORDER

WP.No.36876 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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