

**IN THE 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: 36890 OF 2024

Between:

P.Pawan Kumar, S/o P.Ashok, Aged 40 Years, R/o 3-4-63/19/176/1, Sri Ramanapuram, Ramanthapur, Hyderabad

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund Road, Hyderabad
3. The Commissioner, The Greater Hyderabad Municipal Corporation, Circle-II, Uppal, Hyderabad
4. P.Lucas, s/o not known Age- not known, R/o H.No. 2-24-102/1 Laxmi Nagar Colony, IDA Uppal 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 issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.2 to 3 and its officials in not taking any action against the unauthorized construction as illegal, arbitrary and contrary to the GHMC Act and further direct the Respondent No.2 to 3 to demolish the construction in accordance with the Act.

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 Respondent No. 2 to 3 to take immediate action against the illegal

construction made by Respondent No.4, pending disposal of the above writ petition

Counsel for the Petitioner : SRI M.SRIKANTH

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

Counsel for Respondent No.2&3:SRI SRINIVAS RAO PACHWA, SC FOR GHMC

Counsel for the Respondent No.4 : --

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.36890 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 Srinivas Rao Pachwa, learned Standing Counsel appearing for respondent Nos.2 and 3. 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.4.

3. Petitioner is resident of Lakshminagar Colony in Uppal. Respondent No.4 is making construction without maintaining setbacks and without obtaining permission from respondent-Corporation. Therefore, petitioner has submitted a representation, dated 12.12.2024 to respondent No.2 and also to the Town Planning Section Head Office of respondent No.2 with a request to take

action against respondent No.4. Despite receiving and acknowledging the said representation, respondent No.2 did not act upon the same. Aggrieved by the said inaction of respondent No.2, petitioner filed the present writ petition.

4. Whereas, Sri Srinivas Rao Pachwa, learned Standing Counsel appearing for respondent Nos.2 and 3, on instructions, would submit that respondent No.2 will consider the said representation dated 12.12.2024 submitted by the petitioner and take action against respondent No.4 strictly in accordance with the procedure laid down under the Greater Hyderabad Municipal Corporations Act, 1955 (for short 'the Act, 1955') by putting the petitioner and respondent No.4 on notice and affording them an opportunity of hearing.

5. In the light of the said submissions, this Writ Petition is disposed of directing respondent No.2 to consider the representation, dated 12.12.2024 submitted by the petitioner and take action against respondent No.4 strictly in accordance with the procedure laid down under the Act,

1955, by putting the petitioner and respondent No.4 on notice and affording them an opportunity within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, 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 Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad
3. The Commissioner, The Greater Hyderabad Municipal Corporation, Circle-II, Uppal, Hyderabad
4. One CC to SRI M.SRIKANTH, Advocate. [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
6. One CC to SRI SRINIVAS PACHWA, SC FOR GHMC. [OPUC]
7. Two CD Copies.

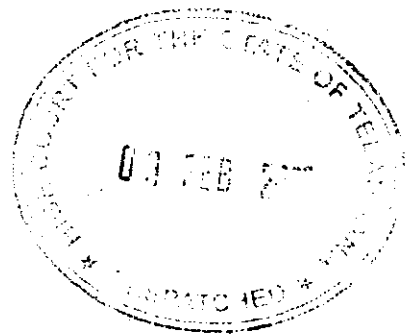
BSK

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HIGH COURT

DATED:31/12/2024



ORDER

WP.No.36890 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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10 copies