

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

**MONDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 1575 OF 2025

Between:

Gurram Laxmikanth Reddy, S/o: Gurram Yadgiri Reddy, Aged about 48 Years, Occupation. Business, R/o 14-81/140/12/A, Maruthi Nagar Colony Phase 1, Ameenpur Municipality and Mandal, Sangareddy Dist. -502 032.

...PETITIONER

AND

1. The State of Telangana, rep., by its Prl.Secretary, Dept. of Municipal Administration, Secretariat of Telangana, Hyderabad - 500 022
2. The Ameenpur Municipality, Represented by Municipal Commissioner, Ameenpur Mandal, Ameenpur, Sangareddy District - 502 032
3. The District Collector, Sangareddy District Sangareddy - 502 001
4. The Revenue Divisional Officer, Sangareddy District Collectorate, Sangareddy - 502 001.
5. The Tahsildar, Ameenpur Mandal, Mandal Revenue Office, Sangareddy District - 502 319

...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, order, or direction more particularly one in the nature of writ of mandamus declaring the Revocation Order,439452/AMEE/0987/2024 dt.8.1.2025 issued by the 2nd Respondent treating the petitioners property as Govt.Land as arbitrary, illegal, and violative of the judgment dt.24.4.2023 of the Hon'ble Court passed in W.P. No.43714 of 2022 and the Order dt.18.11.2024 of the Honble Court passed in WP No. 32119/ 2024 and Telangana Municipalities Act,2019 Sec.174(8),(9),(10) and TS-b PASS Act,2020 Sec.7(9)and(10) and consequently set aside the same by directing the Respondent No.2 to issue

further approvals without insisting NOC from Respondent Nos.3 to 5 pursuant to the Building Permit Order No.439452/ AMEE/ 0987/2024 dt.16.10.2024.

IA NO: 1 OF 2025

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 issue Letter of Approval for commencement of work without insisting NOC from Respondent Nos.3 to 5 pursuant to the Building Permit Order No.439452/ AMEE/ 0987/2024 dt.16.10.2024 by suspending the Revocation Order, 439452/AMEE/0987/2024 dt.8.1.2025 issued by the 2nd Respondent pending disposal of the above writ petition .

Counsel for the Petitioner: SRI R. K. SURI

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

Counsel for the Respondent No.2: SRI PUTTA KRISHNA REDDY, SC

Counsel for the Respondent Nos.3 to 5: AGP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.1575 of 2025

ORDER:

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, Sri Putta Krishna Reddy, learned Standing Counsel appearing for respondent No.2 and learned Assistant Government Pleader for Revenue appearing for respondent Nos.3 to 5. Perused the record.

2. Petitioner herein is claiming that he is the absolute owner and possessor of land admeasuring 165 Sq.yds out of 665 Sq.yds, in plot Nos.104B and 105B in H.No.14-46/1029/34/East Part/A/1/R4465, Sy.Nos.964, 966, 967 and 969, situated at Maruthi Nagar Colony, Ward No.24 of Ameenpur Municipality, on the strength of a registered sale deed bearing document No.26636 of 2024, dated 23.09.2024. With an intention to construct house, he has obtained building permit order, dated 16.10.2024 consisting of ground+1 upper floor from respondent No.2-

Municipality. According to the petitioner, he has dug bore well, has not yet commenced the construction.

3. In the meanwhile, respondent No.2 has issued show cause notice, dated 02.01.2025 to the petitioner alleging as follows:

“As per remarks of the section head, it is to inform you that, the proposed plots in Sy.Nos.964, 966, 967, 969 of Ameenpur Village and Mandal, Sanga Reddy District is falling under vicinity of Government land. Further, submitted proposal for building application in Sy.No.969 of Ammenpur Village and Mandal is a government land as per prohibited, stamps and registration department, for which you have not submitted any NOC from competent authority. Therefore, your application has forwarded to line department i.e. Revenue department for classification and status of your proposed site as per ground position to take further necessary action, the revenue department had confirmed that, the proposed site is falling in ULC/Surplus land/Government Land., therefore a show cause notice is hereby issued why the building permission applied in government land shouldn't be revoked.

Seven (7) days time was granted to the petitioner to submit explanation. He has submitted explanation, dated 04.01.2025. Without considering the same, vide impugned revocation order, dated 08.01.2025, respondent No.2 revoked the said building permit order. Challenging the same, petitioner filed the present writ petition.

4. Learned counsel for the petitioner would contend that the petitioner herein has explained possession of the petitioner and his vendor since last forty one years. Vide order, dated 24.04.2023 in W.P.No.43714 of 2022, this Court set aside the Memo No.409/222, dated 18.11.2022 issued by the Sub Registrar, Department of Registration and Stamps, Sanga Reddy. Vide aforesaid memo, Sub-Registrar relying on the instructions of respondent No.2 informed the petitioner that the subject property is Government land. It is also specific contention of the petitioner that there are houses in and around the subject property. They have constructed houses after obtaining necessary permission from the competent authority including the then Gram Panchayath and respondent No.2 herein. Therefore, respondent Nos.3 and 4 cannot contend that the subject property is Government land. Though the said facts were specifically mentioned in the explanation, dated 04.01.2025. Without considering the same, respondent No.2 has revoked the building permission obtained by the petitioner.

5. Respondent No.2 has filed counter contending that there are adverse news items published in Janam Sakshi telugu daily and Eenadu daily stating that there is encroachment of Government land and sale of the same. Therefore, he sought information from respondent No.5, who in turn vide his letter, dated 19.04.2024, informed respondent No.2 that the land in Sy.No.969 of Ameenpur is Government land. Basing on the same, respondent No.2 has revoked the building permit order, dated 08.01.2025.

6. Perusal of the letter, dated 19.04.2024 addressed by respondent No.5 to respondent No.2 along with statements showing details of Government land in Ameenpur would reveal that the land in Sy.No.964 of Ameenpur Village is Government land. But, respondent No.5 has not mentioned the total extent of Sy.No.969 and claim of Government land. In the impugned revocation order there is no reference to the said information obtained by respondent No.2 from respondent No.5. Therefore, the impugned revocation order is not on consideration of the aforesaid

aspects and more particularly enquiry conducted by respondent No.2 and information obtained by him from his staff. Further, vide order, dated 18.11.2024 in W.P.No.32119 of 2024, this Court directed respondent No.2 to issue work commencement letter by considering the application, dated 16.10.2024 submitted by the petitioner seeking building permission within ten (10) days from the date of receipt of copy of this order.

7. As discussed supra, respondent No.2 has to seek full details of Government land in Sy.No.969 of Ameenpur Village including total extent, claim of Government etc. Thereafter, he has to take action.

8. As discussed supra, petitioner is claiming only 165 Sq.yds in Sy.Nos.964, 966, 967 and 969. There are houses in and around the subject property. Therefore, respondent No.2 has to consider the said aspects.

9. As discussed supra, there is no reference letter, dated 19.04.2024 of respondent No.5 in the impugned revocation order, dated 08.01.2024. Thus, the impugned revocation

order, dated 08.01.2025 of respondent No.2 is liable to be set aside and accordingly is set aside. The matter is remanded back to respondent No.2 with a direction to seek information from respondent No.5 with regard to the total extent of land in Sy.No.969 of Ameenpur Village, claim of Government and the claim the petitioner and the aforesaid registered documents submitted by the petitioner along with his application, dated 16.10.2024 submitted by him seeking permission for construction. If any further information/enquiry is required from the petitioner, respondent No.2 can obtain the same. Thereafter, he has to pass an order strictly in accordance with law by putting the petitioner on notice and affording him an opportunity. Respondent No.2 shall also comply with order, dated 18.11.2024 in W.P.No.32119 of 2024. He shall complete the said exercise within a period of two (2) weeks from the date of receipt of a copy of this order. Till then, respondent No.2 is directed not to proceed further pursuant to the revocation order, dated 08.01.2025 and petitioner shall also

not proceed further pursuant to the building permit order,
dated 16.10.2024.

10. Accordingly, this writ petition is allowed. No costs.

As a sequel thereto, miscellaneous petitions, if any,
pending in the Writ Petition shall stand closed.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Pri.Secretary, Dept. of Municipal Administration, Secretariat of
Telangana, The State of Telangana, Hyderabad - 500 022
2. The Municipal Commissioner, The Ameenpur Municipality, Ameenpur
Mandal, Ameenpur, Sangareddy District - 502 032
3. The District Collector, Sangareddy District Sangareddy - 502 001
4. The Revenue Divisional Officer, Sangareddy District Collectorate,
Sangareddy - 502 001.
5. The Tahsildar, Ameenpur Mandal, Mandal Revenue Office, Sangareddy
District - 502 319
6. One CC to Sri R. K. Suri, Advocate [OPUC]
7. Two CCs to GP for Municipal Administration Urban Development, High Court
for the State of Telangana, at Hyderabad [OUT]
8. One CC to Sri Putta Krishna Reddy, SC [OPUC]
9. Two CC to The AGP for Revenue, High Court for the State of Telangana, at
Hyderabad[OUT]
10. Two CD Copies

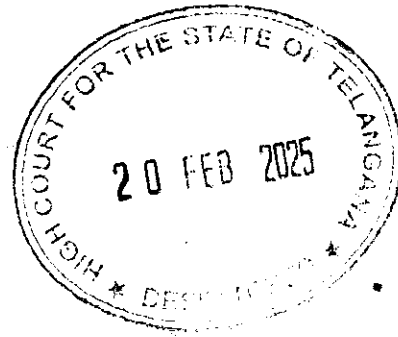
T J
PSK



HIGH COURT

CC TODAY

DATED:17/02/2025



ORDER

WP.No.1575 of 2025

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(14)
20/2/25
[Signature]