

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

MONDAY, THE THIRTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 1433 OF 2025

Between:

Jakkidi Anji Reddy, S/o Late J. Chandra Reddy, Aged 75 years, Occ ; Agriculturist,
R/o H.No.1-10, Almasguda, Hyderabad.

.....PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary (MA AND UD)
Secretariat, Hyderabad.
2. The Hyderabad Disaster Response and Assets Monitoring and
Protection(HYDRAA), Represented by its Commissioner Buddha Bhavan,
Ranigunj, Hyderabad.
3. Inspector of Police, Hyderabad Disaster Response AND Asset Protection
Agency Buddha Bhavan, 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 for the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the 3rd respondent in issuing notice No. 78/COMM/HYDRAA/2025 dated 10.01.25 as illegal, arbitrary and colourable exercise of power and consequently set aside the same.

I.A.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 For the reasons stated in the above accompanying affidavit, it is prayed that this Honble

court may be pleased to suspend notice No. 78/COMM/HYDRAA/2025 dated 10.1.25 issued by the 3rd respondent for demolishing constructions.

Counsel for the Petitioner : SRI V.SEETHARAMA AVADHANI, ADVOCATE FOR SRI K.VIJAYA BHASKER REDDY

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

Counsel for the Respondent Nos.2 & 3 : SRI KATIKA RAVINDER REDDY

The Court made the following ORDER

Heard Sri K.Vijaya Bhasker Reddy, learned counsel for the Petitioner and Sri Katika Ravinder Reddy, learned Standing Counsel appearing for respondent Nos.2 and 3.

2. Petitioner herein is claiming that he is the absolute owner and possessor of premises 11-3-237/A/1/1, situated at Almasguda Village, Balapur Mandal, Ranga Reddy District. He has obtained building permit orders, both dated 10.08.2012, from the then Gram Panchayat, Almasguda, for construction of two sheds admeasuring 260 square yards and 276 square yards respectively, in survey No.237, Almasguda Village.

3. Accordingly to the petitioner, he has constructed two sheds and the same were assessed by the then Gram Panchayat, Almasguda, he has paid property tax to the said Gram Panchayat. After merger of the said Gram Panchayat into Municipality, he has been paying property tax to the said municipality. He has also filed copies of the said building permit orders, tax receipts etc., in proof of the same. He is in possession of the aforesaid two sheds.

4. While the matter stood thus, 3rd respondent has issued notice dated 10.01.2025 stating that he has received a complaint dated 28.07.2024. alleging that the petitioner has made construction encroaching into FTL of Pedda Cheruvu (Meerpet Talab), Badangpet Municipality. Therefore, 3rd respondent requested the petitioner to submit the following documents, (1) copy of Sanctioned Plan & its proceedings, from the concerned authority if any. (2) copy of Registered Documents of Property. (3) Copy of Link

Documents. (4) Copy of Layout Plan. (5) Details of Court Cases (if any). There (03) days time was granted to submit the said documents.

5. According to Sri K.Vijaya Bhaskar Reddy, learned counsel for the petitioner, the said notice was served on the petitioner on 10.01.2025 evening and the said three days time was expired on 12.01.2025 which is a Sunday. 11.01.2025 is a second Saturday, therefore, the petitioner was not in a position to submit explanation/documents within three days of time granted by the 3rd respondent.

6. It is the specific contention of the petitioner that he went to the office of the 3rd respondent on 12.01.2025, as it is a Sunday, the same was closed. He is ready to furnish all the aforesaid copies of five documents and an opportunity may be given to the petitioner to file copies of the same and to make his submissions.

7. It is also the specific contention of the petitioner that without considering the aforesaid aspects, the 2nd and 3rd respondents are trying to demolish the said sheds.

8. Whereas, Sri Katika Ravinder Reddy, learned Standing Counsel appearing for respondent Nos.2 & 3, on instructions, would submit that he petitioner can submit the aforesaid five documents along with reply on next working day i.e., 15.01.2025 and 3rd respondent will consider the same and also take action, if any, against the petitioner, strictly in accordance with the procedure laid down under law.

9. Thus, it is the specific contention of the petitioner herein that the impugned notice was served on 10.01.2025 evening. Three days time was granted to him to submit the aforesaid documents. Admittedly, 11.01.2025 is a second Saturday, 12.01.2025 is a Sunday and 13th, 14th, January 2025 are Pongal Holidays. Without considering the said aspects, respondent No.3 granted three days time to the petitioner to submit the said documents.

10. In the light of the same, this writ petition is disposed of directing the petitioner to submit copies of the aforesaid documents along with explanation on or before 17.01.2025. On receipt of the same, 3rd respondent shall consider the said documents and pass orders, in accordance with law, by putting the petitioner on notice, affording him an opportunity of hearing. 3rd respondent shall also consider the aspect as to whether FTL of Pedda

Cheruvu (Meerpet Talab), is earmarked by following the procedure laid down under law. 3rd respondent shall also consider the aforesaid two building permit orders obtained by the petitioner from the then Gram Panchayat, Almasguda. Liberty is also granted to the petitioner to seek copy of complaint dated 28.07.2024 from 3rd respondent and if it is written complain, the 3rd respondent shall furnish a copy of the said complain to the petitioner and if it is telephonic he can inform the same to the petitioner. Respondent No.3 shall pass an order assigning reasons and communicate copy of the same to petitioner herein. He shall complete the said action within four (04) weeks from today. Till then, respondent Nos.2 and 3 are directed not to take further action against the petitioner pursuant to notice dated 10.01.2025. If the petitioner fail to submit the said documents and explanation by 17.01.2025, liberty is granted to respondent Nos.2 and 3 to take action against the petitioner.

11. If respondent No.3 come to a conclusion that the subject property is in FTL/Buffer Zone of Pedda Cheruvu (Meerpet Talab), or any other violation by the petitioner, respondent Nos.2 and 3 are at liberty to take action against the petitioner herein.

As a sequel, the miscellaneous petitions, if any, pending in the writ petitioner shall stand closed. No order as to costs.

Sd/-K.HEMA
For ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

1. The Principal Secretary, (MA AND UD) Secretariat, State of Telangana at Hyderabad.
2. The Commissioner, Hyderabad Disaster Response and Assets Monitoring and Protection (HYDRAA), Buddha Bhavan, Ranigunj, Hyderabad.
3. The Inspector of Police, Hyderabad Disaster Response AND Asset Protection Agency Buddha Bhavan, Hyderabad.
4. Two CCs to GP For Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI V.SEETHARAMA AVADHANI, Advocate [OPUC]
6. One CC to SRI KATIKA RAVINDER REDDY, Advocate (OPUC)
7. Two CD Copies

SA

HOUSE MOTION

HIGH COURT

KL,J

DATED: 13/01/2025

ORDER

WP.No.1433 of 2025



**DISPOSING OF THE W.P
WITHOUT COSTS.**