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

THURSDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NO: 1983 OF 2025

Between:

Oruganti Anitha, W/o. Satyanarayana Reddy, Aged. 42 years, Occ. Government employee, R/o. H.No. 20-227/2/A/1, Vidyanagar, College Road, Mancherial Mandal-District, Telangana.

...PETITIONER

AND

1. State of Telangana, Department of Municipal Administration, Rep.by its Principal Secretary, Secretariat, Hyderabad.
2. Mancherial Municipality, Office of Municipal Council Rep.by its Commissioner, Mancherial, Mancherial District.
3. Lakkakula Ravikanth, S/o. Ramanarayana, Aged about. 50, Occ. Employee, R/o. H.No. 20-290/4, Vidyanagar Colony, old Garmilla, College Rd, Mancherial Mandal-District, Telangana.

...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 highhanded action of the official Respondents in issuing the Speaking Orders vide Roc.No.G1/2432/2024 iced 07/01/2025 based upon the false, baseless, concocted, frivolous and vindictive complaint of the Respondent No. 3 against the petitioner without considering the representations / explanation / reply dated 03/01/2025 against the subject property in H.No.40, admeasuring 230.63 Sq.yds equivalent to 192.83 Sq. Mts, in survey No. 40 situated at Edla Wada. Garmilla Shivar, within the limits of Mancherial Municipality as illegal, arbitrary, unjust, violative of the Principles of Natural Justice, violative of Fundamental Rights guaranteed to the Petitioners and violative of Article 14, 19(1)(g) and 300-A of the Constitution of India and also contrary to the provisions contemplated under the Telangana Municipalities Act, consequently set aside the Speaking Orders vide Roc.No.G1/2432/2024 dated 07/01/2025 issued by the Respondent No. 2.

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 grant stay of all further Proceedings pursuant to the impugned Speaking Orders vide Roc.No.G1/2432/2024 dated 07/01/2025 issued by the Respondent No. 2 against the subject property in H.No. 40, admeasuring 230.63 Sq.yds equivalent to 192.83 Sq. Mts, in survey No. 40 situated at Edla Wada, Garmilla Shivar, within the limits of Mancherial Municipality, pending disposal of main Writ Petition in the interest of justice.

Counsel for the Petitioner: SRI S. LAKSHMI KANTH

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

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

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.1983 of 2025

ORAL ORDER:

Heard learned counsel for the petitioner and Sri Putta Krishna Reddy, learned Standing counsel appearing for respondent No.2.

2. Petitioner herein is claiming that she is the absolute owner and possessor of plot No.18, admeasuring 230.63 square yards in Sy.No.40, situated at respondent No.2 municipality under a registered sale deed bearing document No.2387 of 2022 dated 29.01.2022. She has obtained building permit order dated 12.05.2022 from respondent No.2 for construction of Ground + 1 Upper Floor. According to the petitioner, she has completed construction. The subject property was assessed, house number was allotted and she has been paying property tax to the respondent No.2. She is in possession of the subject property. Respondent No.3, her neighbor started making construction in deviation to the building permit order by encroaching into road. Therefore, petitioner has submitted representation to the respondent No.2 with a request to take action against respondent No.3. Instead of taking action against respondent No.3, on the complaint lodged by respondent No.3, respondent No.2

has issued show cause notice dated 19.12.2024 stating that petitioner has made construction in deviation to the aforesaid building permit order. She has submitted explanation on 03.01.2025. Without considering the said explanation, respondent No.2 *vide* speaking order dated 07.01.2025 directed the petitioner to remove the deviated portion and unauthorized construction of 2nd floor of the subject property. Challenging the said speaking order, petitioner filed the present writ petition.

3. As discussed supra, petitioner has obtained the aforesaid building permit order dated 12.05.2022 for construction of Ground + 1 Upper Floor. It is the specific allegation against the petitioner herein that she has made construction in deviation to the said building permit order and also 2nd floor unauthorizedly. The said deviated portion is specifically mentioned in the tabular form in the said show cause notice as well as in the said speaking order. Petitioner herein disputing the same. According to the petition, she has constructed the building strictly in accordance with the building permit order dated 12.05.2022 and there is no deviation. The said aspects are factual aspects. Therefore, this Court cannot consider the said factual aspects in a writ petition filed under Article 226 of the Constitution of India.

If, petitioner is aggrieved by the said speaking order, she has to prefer an appeal in terms of Section 252 (2) of the Telangana Municipalities Act, 2019 before the Regional Director/Appellate Authority. It is not the case of the petitioner that respondent No.2 has passed impugned speaking order dated 07.01.2025 in violation of principles of natural justice and also procedure laid down under the Telangana Municipalities Act, 2019 to maintain the present writ petition despite availability of alternative remedy.

4. In the light of the same, this writ petition is disposed of directing the petitioner to prefer an appeal in terms of Section 252 (2) of the Telangana Municipalities Act, 2019 within ten (10) days from today. On filing such appeal, appellate authority shall decide the same within thirty (30) days from the date of preferring the appeal in terms of Section 252 (2) of the Telangana Municipalities Act, 2019. Till then, respondent No.2 is directed not to give effect to the speaking order dated 07.01.2025. However, it is made clear that, if petitioner fails to prefer an appeal with the aforesaid ten (10) days, liberty is granted to respondent No.2 to take action against the petitioner in accordance with law. 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/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Department of Municipal Administration, Secretariat, Hyderabad.
2. The Commissioner, Mancherial Municipality, Office of Municipal Council Mancherial, Mancherial District.
3. One CC to SRI S. LAKSHMI KANTH, Advocate [OPUC]
4. One CC to SRI PUTTA KRISHNA REDDY, SC for MUNICIPALITY [OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT, High Court for the State of Telangana. [OUT]
6. Two CD Copies

BN
BS

HIGH COURT

DATED:23/01/2025



ORDER

WP.No.1983 of 2025

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

(9)
30/01/25
bvs