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

MONDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 33580 OF 2026

Between:

Sri Syed Shah Habeeb Ali, S/o. Late Syed Shah Anwar Ali, Aged about 41 years, Occ ; Business, R/o. H.No. 8-2-402/1, Road No. 5, Banjara Hills, Khairatabad Mandal, Hyderabad - 500034.

.....PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation (GHMC), CC Complex, Tank Bund Road, Hyderabad.
3. The Zonal Commissioner, Khairatabad Zone, Greater Hyderabad Municipal Corporation, Hyderabad.
4. The Deputy Commissioner, Circle No. 36 (Jubilee Hills / Circle 18), Khairatabad Zone, Greater Hyderabad Municipal Corporation, Hyderabad.
5. The Assistant City Planner / Town Planning Officer, Circle No. 36, Jubilee Hills, Greater Hyderabad Municipal Corporation, 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of Respondent Nos. 2 to 5 in issuing Notice bearing Lr. No. 4/TPS/C36/KZ/GHMC/2026 dated 15.09.2026 under Section 451 of the GHMC Act, 1955, and threatening to take coercive steps of demolition and dispossession in respect of the petitioner's residential premises bearing H.No. 8-2-402/1, situated at Road No. 5, Street No. 1, Banjara Hills, Hyderabad, under the

guise of road widening and unverified allegations of encroachment, without following the due process of law and without initiating acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as being illegal, arbitrary, unreasonable, high-handed, without jurisdiction, and violative of Articles 14, 21, and 300A of the Constitution of India, and consequently set aside the impugned notice dated 15.09.2026 and direct Respondent Nos. 2 to 5 not to take any coercive steps or demolish or dispossess the petitioner from the subject premises bearing H.No. 8-2-402/1, Road No. 5, Street No. 1, Banjara Hills, Hyderabad, without following due process of law.

I.A.NO:1 OF 2026

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 an interim direction to Respondent Nos. 2 to 5 not to take any coercive steps, including demolition interference, or dispossession, in respect of the petitioner's premises bearing H.No. 8-2-402/1, situated at Road No. 5, Street No.1, Banjara Hills, Hyderabad, pursuant to the impugned Notice bearing Lr. No. 4/TPS/C36/KZ/GHMC/2026 dated 15.09.2026, pending disposal of the main writ petition.

I.A.NO:2 OF 2026

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 an interim order suspending the impugned Notice bearing Lr. No. 4/TPS/C36/KZ/GHMC/2026 dated 15.09.2026 issued by Respondent No. 4 under Section 451 of the GHMC Act, 1955, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI T.RAHUL

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

Counsel for the Respondent Nos.2 to 5 : SRI MIDDE ARUN KUMAR, SC FOR GHMC

The Court made the following ORDER

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.33580 OF 2026

(CNR No.HBHC010688772026)

DATE OF ORDER: 05.10.2026

Between:

Syed Shah Habeeb Ali

...Petitioner

AND

The State of Telangana
Represented by its Principal Secretary
Municipal Administration and
Urban Development Department
Secretariat, Hyderabad and others

...Respondents

ORDER : (ORAL)

Heard Mr. T.Rahul, learned counsel for the petitioner; Mr. Midde Arun Kumar, learned Standing Counsel for GHMC, appearing for respondents No.2 to 5; and perused the material on record.

2. Learned counsel for the petitioner submitted that originally, Mr. Syed Shah Anwar Ali, the father of the petitioner, was the absolute owner and possessor of the building over the subject property bearing H.No.8-2-402/1, admeasuring 369.61 square yards in Survey No.385, Road No.5, situated at Banjara Hills, Hyderabad. After his demise, the petitioner became the owner and possessor of the subject property; the subject property was assessed with Municipal tax and the petitioner had been regularly paying the same. While so, under the guise of road widening program, the impugned notice dated

15.09.2026 has been issued to the petitioner wherein it was alleged that some portion of the road has been encroached and the petitioner was called upon to submit ownership documents, building/sanctioned plan etc. Learned counsel submitted that the impugned notice was issued under Section 451 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'GHMC Act') which deals with inspection of the buildings in course of erection/alteration etc., and has got nothing to do with the encroachment. Moreover, the allegation of encroachments is incorrect as there are no details provided in the impugned notice as to the width of Road No.5 abutting the subject property of the petitioner.

3. Learned Standing Counsel for GHMC submitted that complaint has been lodged by the Banjara Petals Flat Owners Welfare Association regarding road widening and alleged encroachment of the existing Road No.5, Banjara Hills. As per the revised master plan, the proposed road width is 60 feet, whereas the existing road width on the site varies from 14 feet to 20 feet. Thus, in order to verify the correct boundaries, alignment and lawful title/sanction details of the subject property, respondent No.4 issued the impugned notice bearing Lr. No.054/TPS/C36/KZ/GHMC/2026 dated 15.09.2026 under Section 451 of the Act. Learned Standing Counsel submitted that no coercive action is initiated against the petitioner and the documents called for were only for the purpose of verification. It is further submitted that

the petitioner has already submitted the relevant documents in response to the impugned notice.

4. In the circumstances, this writ petition is disposed of directing the respondent authorities not to interfere with the possession and enjoyment of the petitioner in respect of the subject property bearing H.No.8-2-402/1, admeasuring 369.61 square yards in Survey No.385, Road No.5, situated at Banjara Hills, Hyderabad without following due process of law. This order, however, shall not come in the way of the respondent authorities in proceeding with the enquiry pursuant to the notice dated 15.09.2026 in accordance with law. The petitioner is given liberty to invoke appropriate remedy or file fresh writ petition if any adverse orders are passed. The objection regarding jurisdiction of respondent No.3 in issuing notice under Section 451 of the Act is also left open to the petitioner and the petitioner may put forth the same before respondent No.4. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition, stand closed.

SD/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, State of Telangana AT Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation (GHMC), CC Complex, Tank Bund Road, Hyderabad.
3. The Zonal Commissioner, Khairatabad Zone, Greater Hyderabad Municipal Corporation, Hyderabad.

4. The Deputy Commissioner, Circle No. 36 (Jubilee Hills / Circle 18), Khairatabad Zone, Greater Hyderabad Municipal Corporation. Hyderabad.
5. The Assistant City Planner / Town Planning Officer, Circle No. 36, Jubilee Hills, Greater Hyderabad Municipal Corporation, Hyderabad.
6. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
7. One CC to SRI T.RAHUL, Advocate [OPUC]
8. One CC to SRI MIDDE ARUN KUMAR, SC FOR GHMC (OPUC)
9. Two CD Copies

SA

PSK



C.C.TODAY

HIGH COURT

DATED: 05/10/2026



ORDER

WP.No.33580 of 2026

DISPOSING OF THE W.P

WITHOUT COSTS.