

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

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 4166 OF 2020

Between:

Tatineni Babu Rao, S/o. Late Ramachandraiah, Aged-79 years, Occ- Retired Employee, R/o. Plot No.788, Vivekananda Nagar Colony, Kukatpally, Hyderabad
...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad
2. The Deputy Superintendent of Police, EV And DM(Vigilance wing), GHMC, Budha Bhavan, Ranigunj, Secunderabad
3. The Deputy Commissioner, Circle -21, SLP Zone, Chandanagar, GHMC, Serilingampally, Ranga Reddy District
4. The Assistant City Planner, Circle -21, SLP Zone, Chandanagar, GHMC, Serilingampally, Ranga Reddy District
5. Dappu Shankar, S/o.Late D Lachiah, Aged-50 years, Occ- Employee, R/o.H.No.2-95, Gangaram, Chandanagar, Serilingampally, Ranga Reddy District
...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 to declare the impugned proceedings No.2512/DIR/EV&DM/GHMC/2020/P-37, dated 6/2/2020 issued by the 2nd respondent directing the petitioner to furnish the detailed information in person along with relevant documents pertaining H.No.2-94/1 existing in the land to an extent of 140 Sq.Yards situated at Gangaram Village, Chandanagar, Serilingampally Mandal, Ranga Reddy District in-spite of the petitioner having filed two separate suits vide O.S.No.452 of 2019 on the file of the I Additional Junior Civil Judge, Kukatpally against the 5th respondent and obtained ad interim injunction order dated 29/10/2019 and also filed another suit vide O.S.No. 657 of 2019 on the file of the I Additional Junior Civil Judge, Kukatpally against the 3rd respondent herein and others and obtained ad- interim injunction orders as there is civil dispute pending before the competent civil court as is illegal, void, arbitrary and violation of Article 21 and 300-A of Constitution of India and consequently to set aside the impugned proceedings No.2512/DIR/EV&DM/GHMC/2020/P-37, dated 6/2/2020 issued by the 2nd respondent

IA NO: 1 OF 2020

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 stay the impugned proceedings No.2512/DIR/EV&DM/GHMC/2020/P-37, dated 6/2/2020 issued by the 2nd respondent by directing the respondents not to interfere into peaceful possession and enjoyment of the petitioners property house bearing No. 2-94/1, Gangaram Village, Chandanagar, Serilingampally Mandal, Ranga Reddy District pending disposal of the main Writ Petition

Counsel for the Petitioner: SRI PULLA RAO YELLANKI

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

Counsel for Respondent No. 2: GP FOR HOME

**Counsel for Respondent Nos. 3 & 4: SRI SAMPATH PRABHAKAR REDDY,
SC FOR GHMC**

Counsel for Respondent No. 5:

The Court made the following: ORDER

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4166 of 2020

ORDER:

Heard learned counsel for the petitioner as well as Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Corporation and with their consent, at the admission stage, the Writ Petition is disposed of.

When it is confronted that under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, it is only the Commissioner / authorised delegate of the Commissioner who is entitled to issue the notice and take action, since the present proceedings dated 06.02.2020 was issued by the 2nd respondent - Deputy Superintendent of Police, EV & DM (Vigilance Wing), Greater Hyderabad Municipal Corporation, the learned Standing Counsel graciously agrees that the impugned proceedings itself is defective.

In that view of the matter, the proceedings dated 06.02.2020 is quashed, leaving it open to the respondent - Corporation to take action in accordance with law, as it is the specific assertion of the learned Standing Counsel that the action in this matter was taken, in terms of the order in Writ Petition No. 2395 of 2020. No costs.

The miscellaneous Applications, if any shall stand closed.

//TRUE COPY//

**SD/-B.SATYAVATHI
ASSISTANT REGISTRAR**

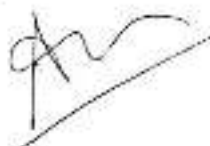
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Telangana Secretariat, Hyderabad
2. The Deputy Superintendent of Police, EV And DM(Vigilance wing), GHMC, Budha Bhavan, Ranigunj, Secunderabad
3. The Deputy Commissioner, Circle -21, SLP Zone, Chandanagar, GHMC, Serilingampally, Ranga Reddy District
4. The Assistant City Planner, Circle -21, SLP Zone, Chandanagar, GHMC, Serilingampally, Ranga Reddy District
5. One CC to Sri Pulla Rao Yellanki Advocate [OPUC]

6. Two CCs to GP for Municipal Administration & Urban Development ,High Court for the State of Telangana. [OUT]
7. Two CCs to GP for Home, High Court for the State of Telangana (OUT)
8. One CC to Sri Sampath Prabhakar Reddy. Standing counsel for GHMC (OPUC)
9. Two CD Copies

MBC
JM



HIGH COURT

DATED: 30/04/2020



ORDER

WP.No.4166 of 2020

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

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RMB
21/5/2020