

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

THURSDAY, THE THIRTIETH DAY OF JULY  
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION NO: 11590 OF 2020**

**Between:**

T.J Narasimha Murthy, S/o Narayana Murthy, aged 49 years, Working as Assistant Engineer, NSC Division, Miryalaguda, r/o Quarter No.AE/54, Hill Colony, Nagarjuna Sagar Dam.

**...PETITIONER**

**AND**

1. The State of Telangana, rep by its Principal Secretary I&CAD Department, Secretariate, BRK Bhavan, Hyderabad.
2. The Chief Engineer, NSP & AMRSLSCP I&CAD Department, Ground floor, Jalasoudha Building, Errumanzil, Hyderabad.
3. The Superintending Engineer, NSDam Circle, Hill Colony, Nagarjuna Sagar, Nalgonda District.
4. The Executive Engineer, Dam Maintenance Division, Hill Colony, NS Division, Nagarjuna Sagar, Nalgonda District.
5. The Deputy Executive Engineer, Camp and Buildings Sub-Division, Hill Colony, NS Dam Division, Nagarjuna Sagar, Nalgonda 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 a Writ order Or Direction more particularly one in the nature of Writ of Mandamus, declare the impugned Letter No.DEE/C&B/HC/665-M, Dated 3-7-2020, issued by the 5<sup>th</sup> respondent, directing the petitioner to hand over his residential Quarter No.AE/54, Hill Colony, to allot the same to a Private person (other department persons not connected to the NS Dam Department), on political presure, and contrary to the conditions of the allotment Order issued by the 3rd respondent, In-spite of petitioner is working in the same NS Project under the control of the 2nd respondent, as illegal arbitrary, discriminatory, and set aside the same, consequently direct the respondents to allow the petitioner to continue in the Quarter No.AE/54, Hill Colony, NSDam.

**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 grant stay of all further proceedings of the impugned Letter No DEE/C and B/HC/665-M, dated 3-7-2020, issued by the 5th respondent, pending disposal of the above writ petition.

**Counsel for the Petitioner: SRI. RAMALINGESWARA RAO KOCHARLA KOTA**

**Counsel for the Respondents:**

**GP FOR IRRIGATION & COMMAND AREA DEVELOPMENT**

**The Court made the following: ORDER**

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.11590 OF 2020**

**ORDER:**

Heard.

2. Petitioner is working in the cadre of Assistant Engineer. While he was posted in NSC Division, Miryalaguda under the control of Superintending Engineer, N.S.Dam Circle, Miryalaguda, he was sent on other duty basis in D&G Sub-Division of Dam Maintenance Division, Hill Colony, under the control of Superintending Engineer, N.S.Dam Circle, Hill Colony, vide proceedings dated 02.05.2015. By Order dated, 28.04.2018, the said proceedings were cancelled and petitioner was repatriated to his parent unit. According to petitioner, he reported to parent unit and has been working in the said unit. While petitioner was posted in maintenance division of N.S.Dam Circle, he was allotted Quarter No.AE/54 in Hill Colony. By the impugned notice, dated 03.07.2020, petitioner was directed to vacate the quarter allotted to him.

3. Learned counsel for the petitioner sought to contend that the present place of posting is about 60 k.ms., from Hill Colony and petitioner's family is living in the quarter allotted to him. As he is working in the same department merely because petitioner is transferred to another division is not a ground to direct him to vacate the quarter. He also sought to contend that the quarter is sought to be allotted to some politician and the same is not permissible in law.



4. After the vacation of quarter, how it is going to be utilized is a matter for consideration by the competent authority. The Court cannot express any opinion as to whether the quarter is going to be allotted to a non-employee of the department and in what manner such allotment would be made. The fact remains that petitioner is no more working in the maintenance circle and was sent back to his parent unit i.e., NSC Division, Miryalaguda. Therefore petitioner cannot seek to continue in the quarter allotted to him, while he was working in Hill Colony on other duty basis, even after his transfer. Therefore, I do not see any error in the decision directing the petitioner to vacate the quarter.

5. At this stage, learned counsel for the petitioner submits that having regard to the present pandemic situation, it may be difficult to relocate the petitioner and therefore requests reasonable time to vacate the quarter.

6. Having regard to these submissions, the Writ Petition is disposed of directing the respondents not to disturb the petitioner from the present quarter for a period of eight weeks from today, subject to petitioner filing a declaration before the 2<sup>nd</sup> respondent, within one week from the date of receipt of copy of this order, giving undertaking that he would vacate the quarter and hand over possession to the competent authority by clearing all the dues that are payable by him, as occupant of Quarter No.AE/54. Pending miscellaneous petitions, if any, shall stand closed.

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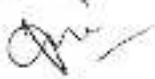
Sd/-K.MURALI  
ASSISTANT REGISTRAR  
P.R.  
SECTION OFFICER

To,  
1. The Principal Secretary I&CAD Department, State of Telangana, Secretariat,  
BRK Bhavan, Hyderabad.

comhd

2. The Chief Engineer, NSP & AMRSLBCP I&CAD Department, Ground floor, Jalasoudha Building, Errumanzil, Hyderabad.
3. The Superintending Engineer, NSDam Circle, Hill Colony, Nagarjuna Sagar, Nalgonda District.
4. The Executive Engineer, Dam Maintenance Division, Hill Colony, NS Division, Nagarjuna Sagar, Nalgonda District
5. The Deputy Executive Engineer, Camp and Buildings Sub-Division, Hill Colony, NS Dam Division, Nagarjuna Sagar, Nalgonda District
6. One CC to Sri Ramalingeswara Rao Kocharla Kota Advocate [OPUC]
7. Two CCs to the GP for Irrigation & Command Area Development, High Court for the State of Telangana at Hyderabad. (OUT)
8. Two CD Copies

CHR





HIGH COURT

PNR,J

DATED:30/07/2020

ORDER

W.P.No.11590 of 2020



DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS

SSV  
10 copies  
Dt-14/8/2020