

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

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 17221 OF 2021

Between:

Golla Mohan Rao, S/o.Golla Venkata Seshayya, Age.69 years, Occ. NTPA Chief Engineer (Retd.) R/o.AE/48, Quarters at Hill Colony, Nagarjunasagar, Peddavoora Mandal, Nalgonda District

...PETITIONER

AND

1. The State of Telangana, rep by its Principal Secretary for Irrigation (Project Wing) Department, Secretariat Hyderabad.
2. The Chief General Managing Director, T.S.Generation Company Limited, Nagarjuna Sagar, Nalgonda District
3. The Superintending Engineer, Irrigation Circle, Hill Colony, Nagarjuna Sagar, V.P.North, Peddavoora Mandal, Nalgonda District
4. The Chief Engineer, N.S.Dam Circle, Hill Colony, Nagarjuna Sagar, V.P.North, Peddavoora Mandal, Nalgonda District
5. The Executive Engineer, Irrigation Division - 1, Hill Colony, Nagarjuna Sagar, V.P.North, Peddavoora Mandal, Nalgonda District
6. Smt. R. Madhavi, Assistant Executive Engineer, Irrigation Division - 1, Hill Colony, Nagarjuna Sagar, V.P.North, Peddavoora Mandal, 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare action of the 3rd Respondent in cancelling the allotment of Quarter No.AE/48, Hill Colony, Nagarjuna Sagar which is in the possession of the petitioner since date of allotment i.e., 21/09/2007 by allotting to the 6th Respondent on the ground that it was sublet and violation of allotment rules though he never given sublet and violated any rules of allotment of quarter to the employees of the Nagarjuna Sagar Project is as being illegal, arbitrary, and unconstitutional and for other reliefs and violation of article 21 and 300-A of constitution of India and consequently set aside the memo dated 14/07/2021.

IA NO: 1 OF 2021

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 suspend the memo, dated 14-7-2021 of the 3rd respondent in canceling the quarter No. AEE/48, Hill Colony, Nagarjuna Sagar, Nalgonda district by directing the respondents not to evict the petitioner from his possession of the said quarter pending disposal of the writ petition.

Counsel for the Petitioner : SRI PULLA RAO YELLANKI

Counsel for the Respondent Nos.1,3 to 5: GP FOR IRRIGATION AND COMMAND AREA DEVELOPMENT

Counsel for the Respondent No.2: M/s. A. DEEPTHI, SC FOR TSGENCO

Counsel for the Respondent No.6:-----

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.17221 of 2021

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Irrigation & CAD, and M/s.A.Deepthi, learned Standing Counsel for TSGENCO, for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission itself.

Aggrieved by the action of the respondent No.3 in cancelling the allotment of quarter No.AE/48, Hills Colony, Nagarjuna Sagar, which is in possession of the petitioner since 21.09.2007, and allotting the same in favour of respondent No.6, the present writ petition is filed.

Learned counsel for the petitioner states that neither any notice was issued nor an opportunity of hearing was afforded to the petitioner before cancelling the allotment of quarter made in his favour.

Having considered the photographs as well as the Discharge Summary Certificate issued by the Gandhi Hospital, Secunderabad, filed by the petitioner along with the writ petition, which show that the petitioner was suffering from Covid-19 and hospitalized for the treatment of the same, and also having regard to the fact that no prior notice was issued to the petitioner before cancelling the allotment of quarter, the Writ Petition is allowed and the Memo dated 14.07.2021 issued by respondent No.3, whereby the allotment of quarter made in favour of the petitioner was cancelled, is hereby set aside. In case the official respondents intend to take any further action against the petitioner, they shall do so only after putting the petitioner on notice, calling for his

explanation, passing a speaking order thereon and communicating a copy thereof.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR
GP
SECTION OFFICER

To,

1. The Principal Secretary for Irrigation (Project Wing) Department, State of Telangana, Secretariat Hyderabad.
2. The Chief General Managing Director, T.S. Generation Company Limited, Nagarjuna Sagar, Nalgonda District
3. The Superintending Engineer, Irrigation Circle, Hill Colony, Nagarjuna Sagar, V.P. North, Peddavoora Mandal, Nalgonda District
4. The Chief Engineer, N.S. Dam Circle, Hill Colony, Nagarjuna Sagar, V.P. North, Peddavoora Mandal, Nalgonda District
5. The Executive Engineer, Irrigation Division - 1, Hill Colony, Nagarjuna Sagar, V.P. North, Peddavoora Mandal, Nalgonda District
6. One CC to Sri Pilla Rao Yellanki, Advocate [OPUC]
7. Two CCs to GP for Irrigation and Command Area Development, High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to M/s. A. Deepthi, SC for TSGENCO. [OPUC]
9. Two CD Copies
10. One Spare Copy

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HIGH COURT

DATED:30/07/2021

ORDER

WP.No.17221 of 2021



DISPOSING OF THE WP
AT THE STAGE OF ADMISSION
WITHOUT COSTS

(12) VW
23/8/21