

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

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNegANTI

WRIT PETITION NO: 12059 OF 2022

Between:

1. Y. Venkat Swamy, son of Mr.Y. Ramaiah, aged about 58 years, occupation: labourer, resident of H.No: 6-2-188/16, Syamala Nagar, Shivarampally, Rajendernagar, Ranga Reddy District, Telangana.

...PETITIONER

AND

1. The Principal Secretary, State of Telangana, Municipal Administration Development, Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, rep.by its Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Rajendranagar Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle - VI, Rajenderanagar, Hyderabad.
5. The Assistant City Planner, Greater Hyderabad Municipal Corporation, Circle - VI, Rajendranagar, Hyderabad.
6. Poila Praveen, son of P. Chandraiah, aged bout 40 years, occupation: laborer, resident of H.No. 6-2-188/1, Shyamala Nagar, Shivarampally, Rajendernagar Mandal, Ranga Reddy District - 500052.

...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 in the nature of a Writ of Mandamus declaring that the taking action of the official Respondent Nos. 2 to 5 without following due process of law, is illegal, arbitrary and violative of natural justice, consequently direct the respondent Nos. 2 to 5 for not to take any coercive steps particularly not to demolish the petitioners house property, and pending the adjudication of the Writ Petition No 27119 of 2021 on the file of this Hon'able Court.

IA NO: 1 OF 2022

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 direct the respondent no. 2 to 5 (Municipal Corporation officials) and their subordinates restricting or directing the Respondent Nos. 2 to 5 not to take any further action more particularly not to demolish the house of the Petitioner pending writ petition.

Counsel for the Petitioner: SRI. AHMED EHTESHAM KAWKAB

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

Counsel for the Respondent Nos. 2 to 5: P. KRISHNA REDDY (SC FOR GHMC)

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 12059 OF 2022

ORDER:

This Writ Petition is filed questioning the action of Respondents 2 to 5 in trying to dispossess the petitioner from Part of Plot Nos. 15 and 16, Syamala Nagar, Shivarampally, Rajendernagar, Ranga Reddy District, without following due process of law, as arbitrary and illegal.

2. Sri Ahmed Ehtesham Kawkab, learned counsel for the petitioner submits that in the year 2004, the petitioner constructed a small house by obtaining permission for the authorities and also by following necessary norms and procedure. He submits that the official respondents without issuing any notice and without following due process are trying to interfere with the petitioner's possession and trying to demolish the house at the behest of the unofficial respondent, hence, the petitioner approached this Court. It is stated that this Court has granted interim order on 07.03.2022 and the same is subsisting.

3. On the other hand, learned Standing Counsel for the respondent Corporation Sri Pasham Krishna Reddy submits that the Corporation has already issued notice to the petitioner

under Sections 452(1) and 452(2) of the Greater Hyderabad Municipal Corporation Act and they will take appropriate action in accordance with law.

4. Learned counsel for the petitioner submits that no such notice was issued to the petitioner.

5. In the facts and circumstances of the case, the Writ Petition is disposed of directing the respondent Corporation to issue fresh notice to the petitioner and take appropriate action in accordance with law. Till then, the respondent authorities shall not take any coercive steps against the petitioner. There shall be no order as to costs.

6. The Miscellaneous Applications, if any shall stand automatically closed.

**SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Municipal Administration Development, Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Rajendranagar Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle - VI, Rajenderanagar, Hyderabad.
5. The Assistant City Planner, Greater Hyderabad Municipal Corporation, Circle - VI, Rajendranagar, Hyderabad.
6. One CC to SRI. AHMED EHTESHAM KAWKAB Advocate [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to SRI. P. KRISHNA REDDY, SC FOR GHMC [OPUC]
9. Two CD Copies
10. One Spare Copy

HIGH COURT

DATED: 30/04/2022



ORDER

WP.No.12059 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

12
4/6/22
HW