

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

**FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 31217 OF 2022

Between:

1. Vishwanadham Satish, S/o. Vishwanadham Gopal, aged about 41 years, R/o. H.No.9-9-3, Viduth Nagar, Dilsukhnagar, Hyderabad.
2. Vishwanadham Praveen, S/o. Vishwanadham Gopal, aged about 43 years, R/o. H.No.9-9-3, Viduth Nagar, Dilsukhnagar, Hyderabad.
3. Vishwanadham Prasad, S/o. Vishwanadham Gopal, aged about 37 years, R/o.Flat No. M02,Silicon Oasis, Bigatti Gardens, Silicon Oasis,Dubai, Rep. By his mother And gpa holder V. Sashi Rekha, W/o. V. Gopal, aged about 61 years,House wife R/o. 9-9-3, Viduth Nagar, Dilsukhnagar, Hyderabad.

...PETITIONERS

AND

1. Bodduppal Municipl Corporation, Rep. By its Commissioner, Bodduppal, Medipalli Mandal, Medchal - Malkajigiri District.
2. The Commissioner, Bodduppal Municipal Corporation, Bodduppal, Medipally Mandal, Medchal - Malkajigiri District.
3. Samala Manohar Reddy, S/o. Samala Buchi Reddy, R/o. Bodduppal Village, Medipalli Mandal, Medchal - Malkajigiri 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 declaring that the two separate notices issued by the Respondents No. 1 and 2 to the father of the petitioners i.e., Sri Vishwanadham Gopal and the Petitioner No.3, Vishwanadham Prasad, vide notice No 1328/BMC/TP/2022 dated 26.07.2022 and the proposed action there under including that of trying to dispossess the petitioners from their respective properties as arbitrary, erroneous, illegal, unconstitutional, contrary to Articles 14, 21 and 300(A) of the Constitution of India and settled principles of law and principles of natural justice and the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, and consequently, quash and set aside the said notices while directing the respondents not to dispossess the petitioners from their respective properties in plots No. 12,13 and 32 admeasuring 325 sq. Yds,

342 sq yds and 300 sq yds respectively, situated in Sy. No. 81, 82 of Reddy's Colony, Boduppall, Medipally Mandal, Medchal Malkajgiri District.

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 suspend the notice dated 26.07.2022 while directing the respondents not to dispossess the petitioners from their respective plot no's 12, 13 and 32 admeasuring 325 sq. Yds, 342 sq yds and 300 sq yds respectively, situated in Sy. No. 81,82 of Reddy's Colony, Boduppall, Medipally Mandal, Medchal Malkajgiri District pending disposal of the above writ petition.

Counsel for the Petitioners:SRI. CHAVALI RAMANAND

Counsel for the Respondent No's. 1 & 2: SRI N.PRAVEEN KUMAR(SC FOR MC)

Counsel for the Respondent No.3:NONE APPEARED

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.31217 of 2022

ORDER:

This writ petition is filed seeking the following relief:

“ ... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the two separate notices issued by the Respondents No.1 and 2 to the father of the petitioners i.e., Sri Vishwanadham Gopal and the Petitioner No.3, Vishwanadham Prasad, vide notice No.1328/BMC/TP/2022 dated 26.07.2022 and the proposed action thereunder including that of trying to dispossess the petitioners from their respective properties as arbitrary, erroneous, illegal, unconstitutional, contrary to Articles 14, 21 and 300(A) of the Constitution of India and settled principles of law and principles of natural justice and the provisions of the Greater Hyderabad Municipal Corporation Act, 1955. and consequently, quash and set aside the said notices while directing the respondents not to dispossess the petitioners from their respective properties in plots No.12, 13 and 32 admeasuring 325 sq. Yds, 342 sq. yds and 300 sq. yds respectively, situated in Sy.No.81, 82 of Reddy's Colony, Boduppall, Medipally Mandal, Medhcal Malkajgiri District and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

2. Sri Chavali Ramanand, learned counsel for the petitioners, submits that a notice is issued on 26.07.2022 to the 3rd petitioner directing him to submit the registered documents and link documents within three days from the date of receipt of the notice. He submits

that the official respondents cannot ask the 3rd petitioner to submit the documents and title deeds, as they have no authority under the Act.

3. A notice that is issued to the 3rd petitioner is on 26.07.2022. This Court do not find any illegality in issuing such a notice. The 3rd petitioner ought to have submitted his explanation to the said notice. Without doing that, the petitioner has approached this Court. Learned counsel for the petitioners submits that copy of the complaint is not given to the petitioners. Whenever notices are given basing on a complaint, the respondents ought to have given the copy of the complaint along with the notice and this Court repeatedly directing the official respondents to give atleast one week time whenever notices are given to the parties along with a copy of the complaint.

4. Accordingly, the writ petition is disposed of directing the official respondents to give a copy of the complaint of the unofficial respondent to the petitioners. On receiving the same, the petitioners shall submit explanation within a period of one week from thereon. Till passing of orders, the official respondents shall not interfere into the possession of the petitioners. No order as to costs,

Miscellaneous applications, pending if any, shall stand closed.

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Bodduppal Municipality Corporation, Bodduppal, Medipalli Mandal, Medchal - Malkajigiri District.
2. The Commissioner, Bodduppal Municipal Corporation, Bodduppal, Medipalli Mandal, Medchal - Malkajigiri District.
3. One CC to SRI. CHAVALI RAMANAND Advocate [OPUC]
4. One CC to SRI N.PRAVEEN KUMAR(SC FOR MC), Advocate [OPUC]
5. Two CD Copies.
6. One Spare Copy.

GB
SB



HIGH COURT

DATED:29/07/2022



ORDER

WP.No.31217 of 2022

DISPOSING OF THE WP
WITHOUT COSTS.

⑦
MA
24/8/22