

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

**TUESDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 33741 OF 2022

Between:

Mohd. Osman, S/o. Shaik Hussain, Aged about. 70 years, Occ. Senior Citizen,
R/o. H. No. 6-2-210/1, Bhistiwada, AC Guards, Hyderabad - 04.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, B R K R Bhavan, Hyderabad.
2. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner in Office, Tank Bund, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 17, Khairatabad Zone, Hyderabad.
4. The Deputy Municipal Commissioner, Circle No. 17, GHMC, Khairatabad Zone, Hyderabad.
5. Mohd. Abdul Ghaffor, S/o. Late M A Khader, Aged about. 68 years, Occ. Private Service, R/o. H. No. 6-2-200/1, Bhistiwada, AC Guards, Hyderabad - 04.

...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 or any other appropriate Writ or direction by declaring the in action of the respondent authorities in acting on the complaint submitted by the petitioner dt. 25/03/2021 and constant representations about not only illegal constructions undertaken by the respondent No. 5 at the house premises bearing No. 6/2/200/1 admeasuring of 129.92 Sq. yards and also encroachment of constructions on the public property situated at Bhistiwada of AC Guards locality Hyderabad as illegal, arbitrary, unconstitutional and also against the principles of natural justice and consequently direct the respondent authorities to act on the complaint submitted by the petitioner 25/03/2021 and his constant representations against the illegal and unauthorized constructions undertaken by respondent No. 5 by encroaching on the road at the premises bearing house No. 6/2/200/1 admeasuring of 129.92 Sq. yards and also encroachment of constructions on the public property situated at Bhistiwada of AC Guards locality, Hyderabad

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 respondent authorities to act on the complaint submitted by the petitioner 25/03/2021 and his constant representations against the illegal and unauthorized constructions undertaken by respondent No. 5 by encroaching on the road at the premises bearing house No. 6/2/200/1 admeasuring of 129.92 Sq. yards and also encroachment of constructions on the public property situated at Bhistiwada of AC Guards locality, Hyderabad

Counsel for the Petitioner : SRI. M SALEEM

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

Counsel for the Respondents No. 2 to 4 : SRI N. ASHOK KUMAR SC FOR GHMC

Counsel for the Respondents No. 5 : NON APPEARED

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.33741 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" or any other appropriate Writ or direction by declaring the in action of the respondent authorities in acting on the complaint submitted by the petitioner dt:25.03.2021 and constant representations about not only illegal constructions undertaken by the respondent No.5 at the house premises bearing No.6-2-200/1 admeasuring of 129.92 Sq. yards and also encroachment of constructions on the public property situated at Bhistiwada of AC Guards locality Hyderabad as illegal, arbitrary, unconstitutional and also against the principles of natural justice and consequently direct the respondent authorities to act on the complaint submitted by the petitioner 25.03.2021 and his constant representations against the illegal and unauthorized constructions undertaken by respondent No 5 by encroaching on the road at the premises bearing house No.6-2-200/1 admeasuring of 129.92 Sq.yards and also encroachment of constructions on the public property situated at Bhistiwada of AC Guards locality, Hyderabad..."

2. Sri M.Saleem, learned counsel for the petitioner, submits that the petitioner has made a representation to the respondents on 25.03.2021 and thereafter several representations were made to take appropriate action on the illegal and unauthorized construction made by the unofficial respondent on the public road. In spite of that, no action has been initiated.

3. Sri N.Praven Kumar, learned Standing Counsel, submits that after receiving the representation of the petitioner, the respondent

Corporation has issued notices on 03.04.2021 and 24.05.2021 and a final notice on 24.06.2021. Thereafter the unofficial respondent has approached the Court below and filed O.S.No.252 of 2021 on the file of the VII Senior Civil Judge, City Civil Court, and obtained interim injunction in I.A.No.135 of 2021 on 21.06.2021. The respondent Corporation has already filed counter in the said suit and the matter is posted today. The respondent Corporation is pursuing the matter and as expeditiously as possible, they will take steps to take vacate the interim order and will take appropriate further action.

4. Recording the submission of learned Standing Counsel, this Writ Petition is disposed of. No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

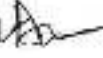
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SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, State of Telangana B R K R Bhavan, Hyderabad.
2. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner in Office, Tank Bund, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 17, Khairatabad Zone, Hyderabad.
4. The Deputy Municipal Commissioner, Circle No. 17, GHMC, Khairatabad Zone, Hyderabad.
5. Mohd. Abdul Ghaffor, S/o. Late M A Khader, Aged about. 68 years, Occ. Private Service, R/o. H. No. 6-2-200/1, Bhistiwada, AC Guards, Hyderabad - 04.
6. One CC to SRI. M SALEEM Advocate [OPUC]
7. Two CD Copies One CC to SRI. N.ASHOK KUMAR, SC FOR GHMC TELANGANA, Advocate [OPUC]

8. Two CCs to GP FOR MCPL ADMN URBAN DEV.High Court for the State of
Telangana. [OUT]]
9. Two CD Copies
10. One Spare Copy

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PS

HIGH COURT

DATED : 30/08/2022

ORDER

WP.No.33741 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

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MA
20/10/22