

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

WEDNESDAY, THE THIRTIETH DAY OF NOVEMBER
 TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 43116 OF 2022

Between:

Gade Arogya Reddy, S/o G. Solomon Reddy, Occ Business, R/o H.No.2-5, K.K.Basthi, Kalwakole Post, Maheshwaram Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary (MAUD) Secretariat Buildings, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Hyderabad.
3. The Deputy Commissioner, GHMC, Alwal Circle No.27, Hyderabad.
4. The Assistant City Planner, Circle 27, GHMC, Alwal Circle, Medchal - Malkajgiri District.
5. M. Renuka, W/o not known to the petitioner. Aged about Major, Occ business, R/o Old Alwal, Secunderabad

...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 any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents more particularly respondent Nos.2 to 4 herein in taking action against illegal construction being carrying out by respondent no.5 over Plot bearing No.97, admeasuring 200 Sq.yards, situated in Survey Nos.33 and 34 in Sri Ganesh Enclave, Lane No.2, Jonnabanda, Alwal Village, Medchal- Malkajgiri, without any valid permission and despite of making specific representations dated 30-08-2022 and 04-05-2022 as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India besides in violation of G.H.M.C Act and to consequently direct the respondent Nos.2 to 4 herein to take action against the illegal constructions and to remove the illegal constructions forthwith being carrying out by respondent no.5 over petitioner's Plot bearing No.97, admeasuring 200 Sq.yards, situated in Survey

Nos.33 and 34 in Sri Ganesh Enclave, Lane No.2, Jonnabanda, Alwal Village, Medchal Malkajgiri.

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 Nos.2 to 4 herein to take action against the illegal constructions and to remove the illegal constructions forthwith being carrying out by respondent no.5 over petitioners Plot bearing No.97, admeasuring 200 Sq.yards, situated in Survey Nos.33 and 34 in Sri Ganesh Enclave, Lane No.2, Jonnabanda, Alwal Village, Medchal Malkajgiri pending disposal of the above writ petition;

Counsel for the Petitioner: SRI. E VENKATA SIDDHARTHA

Counsel for the Respondent R1: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondents R2 TO R4: SRI. M. DHANANJAYA REDDY SC

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.43116 of 2022

ORDER:

This writ petition is filed seeking the following relief:

“...to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents more particularly respondent Nos. 2 to 4 herein in taking action against illegal construction being carrying out by respondent No. 5 over Plot bearing No.97, admeasuring 200 Sq.yards, situated in Survey Nos. 33 and 34 in Sri Ganesh Enclave, Lane No. 2, Jonnabanda, Alwal Village, Medchal-Malkajgiri, without any valid permission and despite of making specific representations dated 30-08-2022 and 04-05-2022 as illegal, arbitrary and in violation of Articles 14 and 21 of the Constitution of India besides in violation of G.H.M.C Act and to consequently direct the respondent Nos. 2 to 4 herein to take action against the illegal constructions and to remove the illegal constructions forthwith being carrying out by respondent No. 5 over petitioner's Plot bearing No. 97, admeasuring 200 Sq.yards, situated in Survey Nos. 33 and 34 in Sri Ganesh Enclave, Lane No.2, Jonnabanda, Alwal Village, Medchal Malkajgiri and to pass...”

2. Sri E. Venkata Siddhartha, learned counsel for the petitioner, submits that the petitioner gave representations dated 04.05.2022, 15.12.2021, 30.08.2022 to the respondents stating that the construction is going on in the plot of the respondent No.5 without obtaining any permission from the official respondents. It is submitted that pursuant to the said representations, no action has been taken by the official respondents.
3. Sri M. Dhananjaya Reddy, learned Standing Counsel for the Municipal Corporation submits that the authorities would take appropriate action on the representation dated 15.12.2021 and therefore, the writ petition may be disposed of.
4. Recording the submission of the learned Standing Counsel, is Writ Petition is disposed of directing the official respondents to consider the representation of the petitioner dated 15.12.2022 and pass appropriate orders, in accordance with law,

within a period of six weeks from the date of receipt of a copy of this order. Before passing such orders, the official respondents shall issue notice to the unofficial respondent.

5. As this Court is directing the official respondents to issue notice to the unofficial respondent before passing orders, notice to the unofficial respondent is not necessary in this writ petition. No order as to costs.

6. Miscellaneous applications, pending if any, shall stand closed. No order as to costs.

SDI-K. SAI KUMARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (MAUD) Secretariat Buildings, State of Telangana, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
3. The Deputy Commissioner, GHMC, Alwal Circle No.27, Hyderabad.
4. The Assistant City Planner, Circle 27, GHMC, Alwal Circle, Medchal - Malkajgiri District.
5. One CC to SRI. E VENKATA SIDDHARTHA Advocate [OPUC]
6. One CC to SRI. M. DHANANJAYA REDDY Advocate Standing Counsel [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, Hyderabad. [OUT]
8. Two CD Copies

HIGH COURT

LKJ

DATED: 30/11/2022

ORDER

WP.No.43116 of 2022



WRIT PETITION IS DISPOSED OF WITHOUT COST