

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

**FRIDAY, THE THIRTY FIRST DAY OF MARCH  
TWO THOUSAND AND TWENTY THREE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY**

**WRIT PETITION NO: 8339 OF 2023**

**Between:**

Ramesh Kumar Raj Purohit, S/o Jayaram Purohit, Aged about 35 years,  
Occ. Business, R/o H No.15-2-294, Maharajgunj Nampally, Begum Bazar,  
Hyderabad.

**...PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. Greater Hyderabad Municipal Corporation, Represented by its Commissioner and Special Officer BRK Bhavan, Hyderabad
3. Deputy Commissioner, Circle No14, Greater Hyderabad Municipal Corporation Hyderabad
4. Smt Ayesha Begum, W/o Mohd Sharfuddin Aged 71 years Occ. Housewife R/o 14-1-433/385, Special B Class New Agapura, Hyderabad

**...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 appropriate writ, order or direction one more particularly one in the nature of Writ of Certiorari calling for the records pertaining to the Speaking Order issued vide Notice No.17/430/1/14/TPS/C-14/KZ/GHMC/2022-23 dated 18.03.2023 by the 3rd respondent and set-aside the same as being illegal, arbitrary and unconstitutional and consequently direct the Respondent Nos.2 and 3 not to interfere with the petitioner's constitutional rights in respect of the property bearing Municipal No.14-1-430/17CIB No.517/Spl-B admeasuring 135.54 Sq Yards or equivalent to 113.31 Sqm situated at New Agapura, Hyderabad.

**IA NO: 1 OF 2023**

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 Speaking Order issued vide Notice No.17/430/1/14/TPS/C-14/KZ/GHMC/2022-23 dated 18.03.2023 issued by the 3rd respondent, pending the disposal of the Writ Petition.

**Counsel for the Petitioner: SRI. NARESH REDDY CHINNOLLA**

**Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND  
URBAN DEVELOPMENT**

**Counsel for the Respondent Nos.2 & 3: SRI K. SIDDHARDH RAO,  
SC FOR GHMC**

**Counsel for the Respondent No.4: NONE APPEARED**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY**

**WRIT PETITION No.8339 of 2023**

**ORDER:**

1. The writ petition is filed for the following relief:-

“... to issue a Writ, order or direction, one more particularly in the nature of “Writ of Certiorari” calling for the records pertaining to the Speaking Order issued vide Notice No.17/ 430/1/14/TPS/C-14/KZ/GHMC/2022-23 dated 18.03.2023 by the 3<sup>rd</sup> respondent and set-aside the same as being illegal, arbitrary and unconstitutional and consequently direct the Respondent Nos.2 & 3 not to interfere with the petitioner’s constitutional rights in respect of the property bearing Municipal No.14-1-430/17 CIB No.517/Spl-B admeasuring 135.54 Sq Yards or equivalent to 113.31 Sqm situated at New Agapura, Hyderabad and pass such other order or orders ...”

2. Heard Mr. C. Naresh Reddy, learned counsel for the petitioner and Mr. K. Siddartha Rao, learned counsel appearing for the respondents.

3. The petitioner claims to be the absolute owner and possessor of house property bearing Municipal No.14-1-430/17 CIB No.517/Spl-B admeasuring 135.54 square yards or equivalent to 113.31 sq mts., situated at New Agapura, Hyderabad, having purchased the same through a registered sale deed bearing document No.924/2022 dated 03.03.2022. It is the further case of the petitioner that the 2<sup>nd</sup> respondent has granted

the building permission *vide* permit No.156551/4135 /GHMC/2022 in file No.156551/GHMC/7138/2022 dated 04.04.2022 for construction of stilt + 2 upper floors.

4. Mr. C. Naresh Reddy, learned counsel appearing for the petitioner has vehemently argued stating that the petitioner has proceeded with the construction activity in accordance with the building permit granted by the 2<sup>nd</sup> respondent and while the work is in progress, the 4<sup>th</sup> respondent being a neighbour of the petitioner has started raising disputes over the constructions carried out by the petitioner and he also submitted representation/complaint before respondent Nos.2 and 3. Further, the 4<sup>th</sup> respondent also filed Writ Petition No. 37613 of 2022 before this Court and the same was disposed of directing the 2<sup>nd</sup> respondent to take action against the illegal constructions carried out by the petitioner on the subject property of the writ petition. Further, the 4<sup>th</sup> respondent also filed C.C.No.285 of 2023 with an intention to pressurize the officers for taking action on the representation/complaint.

5. It is the further the case of the petitioner that when the respondents are frequently trying to interfere with the constructions carried out by the petitioner, he approached the

Civil Court and filed O.S.No.658 of 2022 against the 2<sup>nd</sup> respondent and the same is pending consideration. Pending adjudication of the said suit, the petitioner made an application under Sections 455 & 455A of the Greater Hyderabad Municipal Corporation Act, 1955. Even before such application is being considered, in view of the orders passed by this Court in W.P.No.37613 of 2022 dated 10.10.2022, the respondents have issued speaking orders directing the petitioner to remove illegal constructions.

6. Learned counsel for the petitioner further contended that impugned order/Notice No.17/430/1/14/TPS/C-14/KZ/GHMC/2022-23 dated 18.03.2023 directing the petitioner to remove illegal constructions is not preceded by any show cause notice. Therefore, the action of the respondents in not issuing any show cause notice amounts to gross violation of principles of natural justice and the impugned order is liable to be set aside.

7. As the petitioner impleaded the 4<sup>th</sup> respondent as party respondent i.e., complainant, this Court *vide* order dated 24.03.2023 directed the petitioner to take out personal notice to 4<sup>th</sup> respondent by registered post with acknowledgment due and file proof of service. Learned counsel appearing for the petitioner

has submitted that in compliance of the orders, dated 24.03.2023, he has taken personal notice on the 4<sup>th</sup> respondent and also filed proof of service which shows that the notice has been served on the 4<sup>th</sup> respondent on 30.03.2023. There is no appearance on behalf of the 4<sup>th</sup> respondent. Since the relief sought in the writ petition is that the respondents have not followed the principles of natural justice, this Court deems it fit to set aside the impugned order treating the same as showcause notice and the petitioner is directed to submit an explanation to the impugned order dated 18.03.2023 within two weeks from today and thereafter the respondents are directed to pass appropriate orders strictly in accordance with law, after issuing notice to the concerned authorities including the 4<sup>th</sup> respondent, after considering the objections, if necessary and after providing personal hearing to the petitioner as well as the 4<sup>th</sup> respondent.

8. With the above direction, the Writ Petition is disposed of. No costs.

Miscellaneous Petitions, pending if any, shall stand closed.

**SD/- P.Ch. NAGABHUSHAMBA**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner and Special Officer, Greater Hyderabad Municipal Corporation, BRK Bhavan, Hyderabad

*Contd.,*

3. Deputy Commissioner, Circle No14, Greater Hyderabad Municipal Corporation Hyderabad
4. One CC to Sri Naresh Reddy Chinnolla, Advocate [OPUC]
5. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Sri K. Siddhardh Rao, SC FOR GHMC [OPUC]
7. Two CD Copies

CHR  
GJP



HIGH COURT

DATED:31/03/2023

ORDER

W.P.No.8339 of 2023



DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS

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MA-  
8/1/23