

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

WEDNESDAY, THE THIRTY FIRST DAY OF JANUARY  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

I.A. No.2 of 2023

IN/AND

WRIT PETITION Nos.3107, 3109, 3117, 3125 and 3127 OF 2023

WRIT PETITION No. 3107 OF 2023:

Between:

Mr. MD. Zikria, S/o MD. Mashaq Sab, aged about: 50 Years, Occ. Business, R/o  
H.No. 20 - 64/7/4, Sainagar Colony, Near MRO Office, Kosgi Town and Mandal,  
Narayanpet District 509 339

...PETITIONER

AND

1. The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
2. The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
3. The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.
4. The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District 509 339.
5. The District Collector, The Office of the District Collector, Narayanpet Town and District 509 210.
6. The Thahsildar, The Office of the Thahsildar, Kosgi Town and Mandal, Narayanpet District 509 339.
7. The Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
8. The Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.

9. The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210

**...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 one in the nature of Writ of Mandamus declaring the in-action of the Respondent No. 4 to Respondent No. 6 issued final order and final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023 without consider connected documents in respect of shop. No. 21 -109, Gandhi Chowk road, situated at Kosgi Town and Mandal, Narayanpet District is illegal, arbitrary and against Articles 14, 19 and 21 of the Constitution of India and to set aside issued final order and final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023, consequently pass orders for allotment of compensation and rehabilitation against Petitioners shop vide shop no. 21-109, Gandhi Chowk road, Kosgi Town and Mandal, Narayanpet District.

**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 stay further proceedings of the final notice in vide file no. G1/37/MCK/2022 Dt. 27/01/2023 without passing final order and also without passing order for allotment of Compensation and Rehabilitation.

**IA NO: 2 OF 2023**

**Between:**

1. The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
2. The District Collector, The Office of the District Collector, Narayanpet Town and District - 509 210.
3. The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District - 509 339.

**....PETITIONERS/RESPONDENTS**

**AND**

1. Mr. MD. Zikria, S/o MD. Mashaq Sab, aged about 50 Years, Occ: Business, R/o.H.No.20-64/7/4, Sainagar Colony, Near MRO Office, Kosgi Town and Mandal, Narayanpet District - 509 339

**...RESPONDENT/PETITIONER**

2. The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
3. The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.
4. The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District - 509 339.
5. The Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.
6. The Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.
7. The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District - 509 210

(Respondent No.2 to 7 are not necessary parties to this petition)

**...RESPONDENTS/RESPONDENTS**

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 vacate the interim order dt: 03/02/2023 passed in W.P.No.3107 of 2023 and dismiss the writ petition.

**WRIT PETITION NO: 3109 OF 2023**

**Between:**

Mr. MD. Ibrahim, S/o MD. Mashaq Sab, aged about: 50 Years, occ: Business, R/o. H. No. 20-64/7/5, Sainagar Colony, Near MRO Office, Kosgi Town and Mandal, Narayanpet District 509 339

**...PETITIONERS**

**AND**

1. The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
2. The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
3. The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.

4. The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District 509 339.
5. The District Collector, The Office of the District Collector, Narayanpet Town and District 509 210.
6. The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District 509 339.
7. The Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
8. The Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
9. The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210.

#### ...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 one in the nature of Writ of Mandamus declaring the in-action of the Respondent No. 4 to Respondent No. 6 issued final notice in vide file no. G1/37/MCK/2022 Dt. 27/01/2023 without passing final order in respect of shop. No. 21 - 110/1, Gandhi Chowk road, situated at Kosgi Town and Mandal, Narayanpet District is illegal, arbitrary and against Articles 14, 19 and 21 of the Constitution of India and to set aside issued final notice in vide file no. G1/37/MCK/2022 Dt. 27/01/2023, consequently pass orders for allotment of compensation and rehabilitation against Petitioners shop vide shop. No. 21-110/1, Gandhi Chowk road, Kosgi Town and Mandal, Narayanpet District.

#### **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 stay further proceedings of the final notice in vide file no. G1/37/MCK/2022 Dt. 27/01/2023 without passing final order.

**IA NO. 2 OF 2023****Between:**

1. The State of Telangana. Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
2. The District Collector, The Office of the District Collector, Narayanpet Town and District – 509 210.
3. The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District – 509 339.

**....PETITIONERS/RESPONDENTS****AND**

1. Mr. MD. Ibrahim, S/o MD. Mashaq Sab, aged about 50 Years, occ: Business, R/o H. No. 20-64/7/5, Sainagar Colony, Near MRO Office, Kosgi Town and Mandal, Narayanpet District 509 339

**...RESPONDENT/PETITIONER**

2. The State of Telangana. Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
3. The State of Telangana. Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.
4. The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District 509 339.
5. The Sub – Inspector of Police, The Office of the Sub – Inspector of Police, Kosgi Sub – Inspector of Police Office Kosgi Town and Mandal, Narayanpet District 509 339.
6. The Circle – Inspector of Police, The Office of the Circle – Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
7. The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210

(Respondent.No.2 to 7 are not necessary parties to this petition)

**...RESPONDENTS/RESPONDENTS**

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 vacate the interim order dt: 03/02/2023 passed in W.P.No.3109 of 2023 and dismiss the writ petition.

**WRIT PETITION NO: 3117 OF 2023**

**Between:**

Smt. Mede Narsamma, W/o M. Narsaiah aged about 28 Years, occ. Pvt. Employee,  
R/o File No. 15-122 (old no. 15-129), Munnuru Veedhi, Kosgi town and mandal,  
Narayanpet District 509 339

**...PETITIONER**

**AND**

- 1 The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
- 2 The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad
- 3 The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad
- 4 The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District 509 339.
- 5 The District Collector, The Office of the District Collector, Narayanpet Town and District 509 210.
- 6 The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District 509 339
- 7 The Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
- 8 The Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
- 9 The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210.

**...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 one in the nature of Writ of Mandamus declaring the in-action of the Respondent No. 4 to Respondent No. 6 issued final order and final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023 in respect of House No. 15 - 122, situated at Munnuru Veedhi, Kosgi Town and Mandal, Narayanpet District without verifying connected documents is illegal, arbitrary and against Articles 14, 19 and 21 of the Constitution of India and to set aside issued final order and final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023. consequently pass

orders for allotment of compensation and rehabilitation against Petitioners house vide House No. 15 - 122, situated at Munnuru Veedhi, Kosgi Town and Mandal, Narayanpet District.

**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 stay further proceedings of the final order and final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023 without passing final order.

**IA NO: 2 OF 2023**

Between:

1. The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad
2. The District Collector, The Office of the District Collector, Narayanpet Town and District - 509 210.
3. The Tahsildar, The Office of the Tahsildar Kosgi Town and Mandal, Narayanpet District - 509 339.

....PETITIONERS/RESPONDENTS

AND

1. Smt. Mede Narsamma, W/o M. Narsaiah aged about 28 Years, occ. Pvt. Employee, R/o H. No. 15-122 (old no. 15-129), Munnuru Veedhi, Kosgi town and mandal, Narayanpet District 509 339

...RESPONDENT/PETITIONER

2. The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
3. The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.
4. The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District - 509 339.
5. The Sub - Inspector of Police, The Office of the Sub Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.
6. The Circle - Inspector of Police, The Office of the Circle Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.

- 7 The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210.

(Respondent No.2 to 7 are not necessary parties to this petition)

**...RESPONDENTS**

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 be pleased to vacate the interim order dt. 03/02/2023 passed in W.P.No.3117 of 2023 and dismiss the writ petition.

**WRIT PETITION NO: 3125 OF 2023**

**Between:**

Mr. Gaddameedi Vijay Kumar, S/o Late. Gaddameedi Laxminarayana, Age: 43 years  
Occ. Pvt. Employee, R/o H.No. 12-43, Deevidi Venakaala, Chakali Veedhi, Kosgi  
Village and Mandal, Narayanpet District 509 339.

**...PETITIONER**

**AND**

- 1 The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
- 2 The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
- 3 The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.
- 4 The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District 509 339.
- 5 The District Collector, The Office of the District Collector, Narayanpet Town and District 509 210
- 6 The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District 509 339.
- 7 Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
- 8 Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
- 9 Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210.

**...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 one in the nature of Writ of Mandamus declaring the in-action of the Respondent No. 4 to Respondent No. 6 issued final order and final notice in vide file no. G1/37/MCK/2022 Dt. 27/01/2023 without passing final order in respect of Shop no: 18-45/1 situated at Kosgi Town and Mandal, Narayanpet District is illegal, arbitrary and against Articles 14, 19 and 21 of the Constitution of India and to set aside issued final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023, consequently pass orders for allotment of compensation and rehabilitation against Petitioners shop vide shop. No. 18-45/1 Municipal Corporation office road, Kosgi Town and Mandal, Narayanpet District.

#### 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 stay further proceedings of the final notice in vide file no. G1/37/MCK/2022 Dt. 27/01/2023 without passing final order.

#### IA NO. 2 OF 2023

Between:

1. The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
2. The District Collector, The Office of the District Collector, Narayanpet Town and District - 509 210
3. The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District - 509 339.

....**PETITIONERS/RESPONDENTS**

**AND**

1. Mr. Gaddameedi Vijay Kumar, S/o Late. Gaddameedi Laxminarayana, Age 43 years, Occ: Pvt. Employee, R/o H.No. 12-43, Deevidi Venakaala, Chakali Veedhi, Kosgi Village and Mandal, Narayanpet District - 509 339.

...**RESPONDENT/PETITIONER**

2. The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
3. The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.

- 4 The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District - 509 339.
- 5 Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.
- 6 Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.
- 7 Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210.

(Respondent No.2 to 7 are not necessary parties to this petition)

### ...RESPONDENTS/RESPONDENTS

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 vacate the interim order dt: 03/02/2023 passed in W.P.No.3125 of 2023 and dismiss the writ petition.

### WRIT PETITION NO: 3127 OF 2023

Be it shewn:

Sri. Manchate Omprakash, S/o Krishanaji Rao, aged about: 55 Years, occ: labor, R/o H. No. 12 - 89, Municipal Corporation office road, Kosgi Town and Mandal, Narayanpet District 509 339.

...PETITIONER

AND

- 1 The State of Telangana, Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad.
- 2 The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
- 3 The State of Telangana, Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.
- 4 The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District 509 339.
- 5 The District Collector, The Office of the District Collector, Narayanpet Town and District 509 210.
- 6 The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District 509 339.
- 7 The Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
- 8 The Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.

9. The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210

...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 one in the nature of Writ of Mandamus declaring the in-action of the Respondent No. 4 to Respondent No. 6 issued final order and final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023 without consider connected documents in respect of House no. 12-89, situated at Kosgi Town and Mandal, Narayanpet District is illegal, arbitrary and against Articles 14, 19 and 21 of the Constitution of India and to set aside issued final order and final notice in vide file no. G1/37/MCK/2022 Dt. 28/12/2022 and Dt. 27/01/2023, consequently pass orders for allotment of compensation and rehabilitation against Petitioners House no. 12-89, situated at Kosgi Town and Mandal, Narayanpet District.

**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 stay further proceedings of the final notice in vide file no. G1/37/MCK/2022 Dt. 27/01/2023 without passing final order and also without passing order for allotment of Compensation and Rehabilitation.

**IA NO: 2 OF 2023**

Between:

1. The State of Telangana, Represented by the Principal Secretary for Revenue Department, Secretariat, Hyderabad.
2. The District Collector, The Office of the District Collector, Narayanpet Town and District - 509 210.
3. The Thahsildar, The Office of the Thahsildar, Kosgi Town and Mandal, Narayanpet District - 509 339

....PETITIONERS/RESPONDENTS

AND

1. Sri. Hanchate Omprakash, S/o Krishanaji Rao, aged about: 55 Years, occ: labor, R/o H. No. 12 - 89, Municipal Corporation office road, Kosgi Town and Mandal, Narayanpet District - 509 339.

...RESPONDENT/PETITIONER

- 2 The State of Telangana. Represented by the Principal Secretary for Municipal Administration, Secretariat, Hyderabad
- 3 The State of Telangana. Represented by the Principal Secretary for Home Department, Secretariat, Hyderabad.
- 4 The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District - 509 339.
- 5 The Sub - Inspector of Police. The Office of the Sub Inspector of Police, Kosgi Sub Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.
- 6 The Circle - Inspector of Police, The Office of the Circle Inspector of Police, Kosgi Circle Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District - 509 339.
- 7 The Superintendent of Police. The Office of the Superintendent of Police, Narayanpet Town and District - 509 210.

(Respondent No.2 to 7 are not necessary parties to this petition)

#### ...RESPONDENTS/RESPONDENTS

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 vacate the interim order dt: 03/02/2023 passed in W.P.No.3127 of 2023 and dismiss the writ petition.

**Counsel for the Petitioner in all the Writ Petitions:**

**Mr. KALEKAR SUNEEL KUMAR**

**Counsel for the Respondent No.1 in all the Writ Petitions:**

**GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT**

**Counsel for the Respondent Nos.2, 5 & 6 in all the Writ Petitions:**

**GP FOR REVENUE**

**Counsel for the Respondent Nos.3, 7 to 9 in all the Writ Petitions:**

**GP FOR HOME**

**Counsel for the Respondent No.4 in all the Writ Petitions:**

**SRI M. RAM MOHAN REDDY,  
STANDING COUNSEL FOR MUNICIPALITIES**

**The Court made the following: COMMON ORDER**

**THE HON'BLE SRI JUSTICE T. VINOD KUMAR**

**I.A. No.2 of 2023**

**IN/AND**

**WRIT PETITION Nos.3107, 3109, 3117, 3125 and 3127 OF 2023**

**COMMON ORDER:**

In these batch of Writ Petitions, the petitioners have assailed the proceedings termed as final orders dated 28.12.2022 and the consequential notice issued on 27.01.2023, as having been issued without considering the documents submitted by the petitioner, thus, as being illegal and arbitrary.

2. Despite the vacate petition being listed, there is no representation on behalf of the writ petitioners.

3. Heard Sri M. Ram Mohan Reddy, learned Standing Counsel appearing on behalf of respondent No.4, learned Government Pleader for Home appearing on behalf of respondent Nos.3, 7 to 9 and with the consent of the learned Counsel appearing on behalf of vacate petitioner/respondent, the Writ Petition is taken up for hearing and disposal.

4. The case of the petitioners is that they are the absolute owners of house bearing shop Nos.21-109, 21-110/1, 15-122, 18-45/1 and 12-89 situated at Kosgi Town and Mandal, Narayanpet District having purchased the same through

registered sale deed dated 23.07.1970 from the original pattadar and are in possession of the same. Petitioners further contend that the respondent Nos.4 to 6 have illegally made a 'Red Line' marking on the petitioners property and thereafter issued notice to handover possession to the extent of demarcation made on the property.

5. Petitioners also contended that against the aforesaid marking done and the action of the respondents in directing the petitioners to handover possession, the petitioners have approached this Court by filing Writ Petitions and this Court while setting aside the notice dated 05.08.2022 directed the petitioners to submit explanation within two weeks.

6. Petitioners further contended that on this Court issuing the aforesaid direction, the petitioners have submitted their explanation on 08.11.2022 and that the respondent No.4 without considering the explanation submitted by the petitioners has issued proceedings termed as final orders dated 28.12.2022, without assigning any reasons for not considering the explanation submitted by the petitioners and further holding that the property purchased by the petitioners to be an encroachment with a further direction to remove the same within fifteen days from the date of receipt of the proceedings.

7. Petitioners further contended that the respondent No.4 thereafter issued proceedings dated 27.01.2023 termed as final notice by referring to the proceedings dated 28.12.2022 directing the petitioners to vacate the subject structure/land within 24 hours and handover the same to the Municipality, failing which the petitioners were informed that the authorities will take up demolition of the subject property.

8. Petitioners contended that the proceeding termed as final order does not indicate any basis for the authorities to hold that the petitioners have encroached on the portion belonging to the Municipality and that the authorities did not consider the registered document of purchase of subject property by them.

9. I have taken note of the submissions made and perused the record.

10. Though the respondent No.4 termed the proceedings dated 28.12.2022 as 'final order', no reasons whatsoever have been assigned therein for the authority to come to the conclusion indicated therein. Though the respondent No.4 at an earlier point of time had issued notice dated 05.08.2022 and the petitioners having submitted their explanation on 09.11.2022 (received on 15.11.2022), the same does not find any mention in the impugned proceeding dated 28.12.2022.

The non-consideration of the explanation by the respondent No.4 authority while passing the impugned order in the considered view of this Court has resulted in the impugned order having been passed in violation of principles of natural justice. Thus, for the said reason, the impugned order cannot be sustained.

11. Further, it is trite law that the reasons are the heart of the order and since the impugned proceeding, in the considered view of this Court, is bereft of any reasons and for the said reason also, the impugned order cannot be sustained. (See: **Associate Builders v. Delhi Development Authority**)<sup>1</sup>.

12. Further, neither the show cause notice nor the impugned order does not indicate the extent of alleged encroachment made by the petitioners so as to enable them to offer their explanation. Thus, for all the aforesaid reasons, this Court is of the view that the impugned proceeding cannot be sustained.

13. Accordingly, the impugned proceedings are set aside and the matters are remitted back to the respondent No.4 to pass orders afresh by conducting proper enquiry into the matter by (i) considering the explanation submitted by the petitioners dated 09.11.2022; (ii) Afford the petitioners an opportunity of personal

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<sup>1</sup> (2015) 3 SCC 49



hearing and also allow the petitioners to file additional documents, if any; and (iii) pass a reasoned order thereafter and communicate the same to the petitioners.

14. Having regard to the pendency of the Writ Petitions on the file of this Court, this Court is of the view that the respondents should be directed to complete the entire exercise within a period of two months from the date of receipt of a copy of this order.

15. Subject to the above observations and direction, all the Writ Petitions are disposed of. No costs.

16. Consequently, I.A. No.2 of 2023 in W.P. Nos.3107, 3109, 3117, 3125 and 3127 of 2023 stand closed.

As a sequel, miscellaneous petitions pending if any shall stand closed.

SD/- T.JAYASREE  
ASSISTANT REGISTRAR

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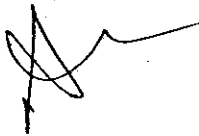
SECTION OFFICER

To.

- 1 The Principal Secretary for Municipal Administration, State of Telangana, Secretariat, Hyderabad.
- 2 The Principal Secretary for Revenue Department, State of Telangana, Secretariat, Hyderabad
- 3 The Principal Secretary for Home Department, State of Telangana, Secretariat, Hyderabad.
- 4 The Commissioner, The Office of the Commissioner, Kosgi Municipality Office Kosgi Town and Mandal, Narayanpet District 509 339.
- 5 The District Collector, The Office of the District Collector, Narayanpet Town and District 509 210.
- 6 The Tahsildar, The Office of the Tahsildar, Kosgi Town and Mandal, Narayanpet District 509 339.

- 7 The Sub - Inspector of Police, The Office of the Sub - Inspector of Police, Kosgi Sub - Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
- 8 The Circle - Inspector of Police, The Office of the Circle - Inspector of Police, Kosgi Circle-Inspector of Police Office, Kosgi Town and Mandal, Narayanpet District 509 339.
- 9 The Superintendent of Police, The Office of the Superintendent of Police, Narayanpet Town and District 509 210.
- 10 One CC to SRI KALEKAR SUNEEL KUMAR, Advocate [OPUC]
- 11 Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad [OUT]
- 12 Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad [OUT]
- 13 Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad [OUT]
- 14 One CC to Sri M. RAM MOHAN REDDY, Standing Counsel for Municipalities [OPUC]
- 15 Two CD Copies

MP  
GJ



**HIGH COURT**

**DATED: 31/01/2024**



**COMMON ORDER**

**I.A. No.2 of 2023  
IN/AND**

**W.P.Nos.3107, 3109, 3117, 3125 and 3127 OF 2023**

**CLOSING THE I.A.NO.2 OF 2023 IN W.P.Nos.3107,  
3109, 3117, 3125 and 3127 OF 2023**

**&**

**DISPOSING OF THE WRIT PETITIONS**

**WITHOUT COSTS**

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*He MA*  
*18/02/2024*