

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

**TUESDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 9607 OF 2024

Between:

1. Sri.K.Pitcheswara Rao, S/o Late Subba Rao aged about 61 years , Occ. Business, resident of Plot No.105, Film Colony, Cristuraj apuram, Vijayawada-7, Krishna Dist, Andhra Pradesh

...PETITIONER(S)

AND

1. The State of Telengana, Rep by its Principal Secretary Municipal Administration And Urban Development Authority O/o Secretariat, Hyderabad
2. The Greater Hyderabad Municipal corporation, Rep by its Commissioner, O/o GHMC office, near Tank bund, Hyderabad-500063.
3. The Deputy commissioner, Serilingampally Circle-20, GHMC, Hyderabad
4. Mr.Pasham Amarnath Reddy, S/o Vijay Shekar Reddy, Aged about 44 Years, Occ . Business, Office of Koduru Mansion, Plot No.20, 21, 24, 25, Indira Nagar, Gachibowli, Ranga Reddy District, Hyderabad-32
5. Dama Venkata Rao, S/o Chinna Kondaiah Aged about 40 years, Occ.Business, Office of Koduru Mansion, Plot No.20, 21, 24, 25, Indira Nagar, Gachibowli, Ranga Reddy District, Hyderabad-32

...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 Writ, or Writs, Order or Orders more particularly in the nature of mandamus thereby declaring the in action of the Respondents herein on the representation, dt.30-03-2024 made by the Petitioner, seeking remove of un authorised sheds in place of south side the wall and using commercial activities in cellar and stilt in the premises of Koduru Mansion on Plot No.20, 21, 24, 25 in Sy.No.87 of Indira Nagar, Gachibowli, Hyderabad, Ranga Reddy District by the Respondent No.4 and 5 as illegal, arbitrary and one without jurisdiction and against the provisions of law and contrary rights guaranteed under 300-A of constitution of India and consequently direct the Respondent No.1 to 3 to

consider the representations dated 30.03.2024 made by the Petitioner and remove of un authorised sheds in place of south side the wall and using commercial activities in cellar and stilt in the premises of Koduru Mansion on Plot No.20, 21, 24, 25 in Sy.No.87 of Indira Nagar, Gachibowli, Hyderabad, Ranga Reddy District by the Respondent No.4 and 5,

IA NO: 1 OF 2024

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 No.1 to 3 to consider representation dated 30.03.2024 made by the Petitioner and remove the un authorised sheds in place of south side the wall and using commercial activities in cellar and stilt in the premises of Koduru Mansion on Plot No.20, 21, 24, 25 in Sy.No.87 of Indira Nagar, Gachibowli, Hyderabad, Ranga Reddy District by the Respondent No.4 and 5,

Counsel for the Petitioner: SRI. VSRMV PRASAD SANAKA

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

Counsel for the Respondent Nos.2&3: SRI MAK MUKHEED, SC

Counsel for the Respondent No.4: SRI MD.ASHRAF

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.9607 OF 2024

ORDER:

This Writ Petition is filed for issuance of *Writ of Mandamus* to declare the action of respondents in not taking any action on the representation dated 30.03.2024 submitted by the petitioner, seeking for the removal of the unauthorized shed constructed/erected on south side wall and undertaking commercial activities in cellar and stilt floor of the premises of Koduru Mansion located in Plot Nos.20, 21, 24, 25 in Sy. No.87 of Indira Nagar, Gachibowli, Hyderabad, Ranga Reddy District by the respondent Nos.4 and 5, as being illegal, arbitrary and one without jurisdiction and against the provisions of law and contrary to the rights guaranteed under Article 300-A of the Constitution of India.

2. Heard learned Counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, Sri MAK. Mukheid, learned Standing Counsel, appearing for respondent Nos.2 and 3, Sri Md. Ashraf, learned Counsel appearing on behalf of respondent No.4, and with the consent of the learned

Counsel appearing for the parties, the Writ Petition is taken up for hearing and disposal at the stage of admission.

3. Having regard to the manner of disposal of the Writ Petition at the admission stage and the *lis* involved, this Court is of the view that notice to unofficial respondent No.5 is not necessary for adjudication of the present Writ Petition.

4. Shorn of unnecessary details, the case of the petitioner in brief, is that while he is the owner of Flat No.104 first floor and 304 third floor in the apartment named as Koduru Mansion, constructed in Plot No.20, 21, 24, 25 in Sy. No.87 of Indira Nagar, Gachibowli, Hyderabad, the unofficial respondents had made unauthorized and illegal constructions (i) in cellar and stilt floor which are meant to be used only for parking and (ii) also made construction on the south side wall of building with Tin shed Roof and using the same for commercial activities contrary to the GHMC norms particularly G.O Ms. No.168 (M.A& U.D) dated 07.04.2012.

5. Petitioner further contends that the petitioner and the residents of the building approached the respondent authorities and brought to the notice of the authorities the aforesaid unauthorized illegal construction on 30.03.2024 by submitting

a representation and inspite of the same, no action has been taken. Hence, this Writ Petition.

6. *Per contra*, learned Standing Counsel appearing on behalf of respondent Nos.2 and 3 submits that the authorities by considering the complaint/representation submitted by the petitioner and other residents of the apartment have issued a show cause notice dated 02.04.2024 calling upon the 4th respondent to submit explanation/reply within 7 days from the date of receipt of the said notice and that since the unofficial respondents did not submit any explanation thereto, the authorities have passed a speaking order dated 10.04.2024.

7. By stating as above, learned Standing Counsel has placed before this Court a copy of the aforementioned speaking order.

8. Learned Standing Counsel further submits that the respondent authorities would take further action for enforcing the speaking order on expiry of the time granted therein.

9. I have taken note of the respective submissions made.

10. Having regard to the submissions made as above and since the respondent authorities claim to have issued a show cause notice dated 02.04.2024 and thereafter having passed a

speaking order dated 10.04.2024 whereby the authorities have held the constructions made by the unofficial respondent No.4 to be unauthorized construction and directing the unofficial respondents to remove the unauthorized construction within 15 days from the date of receipt of the order, this Court is of the view that the respondent authorities are to be directed to take further action for enforcing the speaking order in an expeditious manner.

11. Subject to the above observation and direction, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Municipal Administration And Urban Development Authority O/o Secretariat, State of Telengana, Hyderabad
2. The Commissioner, Greater Hyderabad Municipal corporation, O/o GHMC office, near Tank bund, Hyderabad-500063.
3. The Deputy commissioner, Serilingampally Circle-20, GHMC, Hyderabad
4. Mr.Pasham Amarnath Reddy, S/o Vijay Shekar Reddy, Aged about 44 Years, Occ . Business, Office of Koduru Mansion, Plot No.20, 21, 24, 25, Indira Nagar, Gachibowli, Ranga Reddy District, Hyderabad-32
5. Dama Venkata Rao, S/o Chinna Kondaiah Aged about 40 years, Occ.Business, Office of Koduru Mansion, Plot No.20, 21, 24, 25, Indira Nagar, Gachibowli, Ranga Reddy District, Hyderabad-32
6. One CC to SRI. VSRMV PRASAD SANAKA, Advocate [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
8. One CC to SRI MAK MUKHEED, SC [OPUC]
9. One CC to Sri Md.Ashraf Advocate [OPUC]
10. Two CD Copies

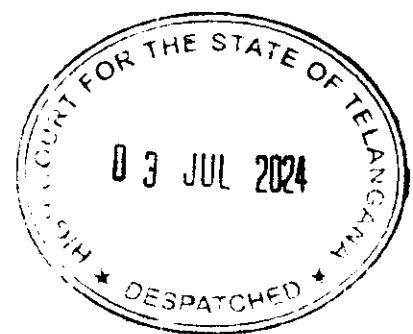
 KKS

HIGH COURT

DATED:30/04/2024

ORDER

WP.No.9607 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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MB/25/26