

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

**MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

**WRIT PETITION Nos.22234, 22278, 22289, 22301, 22314, 22356,
22374, 22427, 22428 and 22493 of 2023**

WRIT PETITION NO: 22234 OF 2023

Between:

M/s Balaji Casting, Represented by its Proprietor Sri. T. Narsimha Rao, S/o Late. Veereshwar Rao, Aged 69 years, Occ. Business, R/o. Godown 5-5-35/304/B5, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporatation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the action of the respondents in threatening to demolish the structure belonging to petitioner without issuing any notice or without following any procedure known to law as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of

India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing plot No.4 situated at Saibaba Nagar Colony, Kukaktpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22278 OF 2023

Between:

M/s Sai Poojitha Traders, Represented by its Proprietor Sri. P. Appala Swamy, S/o P. Karulaiah, Aged 42 years, Occ: Business, R/o. Godown, 5-5-35/30/Plot No. 5, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the show-cause vide Notice No. 16/UC/W.No.121/Cir-24/KPZ/GHMC/2023, dated 14.2.2023 as being illegal,

arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing H. No. 5-5-35/30/Plot No. 5 situated at Saibaba Nagar Colony, Kukaktpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22289 OF 2023

Between:

M/s Sri Sai Traders, Represented by its Proprietor Sri. K. Adinarayana, S/o Late Ram Murthy, aged 52 years, Occ. Business, R/o Plot No. 14, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the action of the respondents in threatening to demolish the structure belonging to petitioner bearing plot No. 14 situated at Saibaba Nagar Colony, Kukatpally, Ranga Reddy District without issuing any notice or without following any procedure known to law as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing plot No.14 situated at Saibaba Nagar Colony, Kukatpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22301 OF 2023

Between:

M/s. Sri Thulasi Traders, represented by its Proprietor Sri. K. Eshwar Rao, S/o. K. Simha Chary, Aged 60 years, Occ. Business, R/o Shop No.5-5-35/Plot No.23, Survey No.415/A, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the speaking order vide Notice No. 25/UC/W.No.121/Cir-24/KPZ/GHMC/2023, dated 6/7/2023 as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing H.No.5-5-35/30/Plot No.23 situated at Saibaba Nagar Colony, Kukaktpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22314 OF 2023

Between:

M/s Bharat Refrigeration and Engineering Works, Represented by its Proprietor Sri. M. Ramulu, S/o Late. M. Satyanarayana, aged 47 years, Occ. Business, R/o. Godown 5-5-35/304/P45, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.

3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the speaking order vide notice No.07/UC/W.No.121/Cir-24/KPZ/GHMC/2023, dated 6/7/2023 and threatening to demolish the structure of the petitioner without following any procedure known to law as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice

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 direct the respondents not to demolish the structure belonging to the petitioner bearing plot No.4 situated at Saibaba Nagar Colony, Kukatpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22356 OF 2023

Between:

M/s Sri Venkateshwara Traders, Represented by its Proprietor Sri. G. Srinivas, S/o G. Ramulu, Aged 42 years, Occ. Business, R/o. Godown 5-5-35/30/D2, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the Speaking Order to demolish the structure belonging to petitioner vide Notice No. 12/UC/W.No.121/Cir-24/KPZ/GHMC/2023, dated 6/7/2023 as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing H. No. 5-5-35/30/D2 situated at Saibaba Nagar Colony, Kukatpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22374 OF 2023**Between:**

M/s New FEMCO Fabricators, represented by its Proprietor Sri. Shaik Naseer, S/o Shaik Mahboob, Aged 40 years, Occ. Business, R/o Shop No.5-5-35/Plot No.34, Survey No.415/A, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District

...PETITIONER**AND**

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the speaking order vide Notice No. 04/UC/W.No.121/Cir-24/KPZ/GHMC/2023, dated 6.7.2023 as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing H.No.5-5-35/30/Plot No.6 situated at Saibaba Nagar Colony, Kukatpally, Ranga

Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22427 OF 2023

Between:

M/s Sri Sai Vani Traders, Represented by its Partner Phani Kumar, aged 51 years, Occ Business R/o shop No. 5-5-55/315/6/2, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the action of the respondents in threatening to demolish the structure belonging to petitioner bearing plot No. 5-5-55/315/6/2 situated at Saibaba Nagar Colony, Kukatpally, Ranga Reddy District without issuing any notice or without following any procedure known to law as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing shop No. P5-5-55/315/6/2 situated at Saibaba Nagar Colony, Kukaktpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22428 OF 2023**Between:**

M/s Anusha Engineering Works, Represented by its Proprietor Sri. V. Krishna Murthy, Aged 68 years, Occ. Business, R/o. Godown 5-5-35/281/B4, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District-72.

...PETITIONER**AND**

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the Speaking Order to demolish the structure belonging to petitioner vide Notice No. 09/UC/W.No.121/Cir-24/KPZ/GHMC/2023, dated 6.7.2023 as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being

violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing 5-5-35/281/B4 situated at Saibaba Nagar Colony, Kukaktpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

WRIT PETITION NO: 22493 OF 2023

Between:

M/s NSR Traders, Represented by its Proprietor Smt. N. Udaya Laxmi, W/o. N. Sammaiah, Aged 38 years, Occ. Business, R/o. Godown 5-5-35/30/Plot No. 25, Saibaba Nagar Colony, Kukatpally, Ranga Reddy District -72.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, BRKR Bhavan, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Represented by its Deputy Commissioner, Circle No.24, Kukatpally, Ranga Reddy District.

...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, declaring the Speaking Order to demolish the

structure belonging to petitioner vide Notice No.27/UC/W.No.121/Cir-24/KPZ/GHMC/2023, dated 6/7/2023 as being illegal, arbitrary, unconstitutional and contrary to provisions of TS BPASS Act, 2020 and HMC Act, 1955 apart being violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the respondents not to demolish the structure of the petitioner in the interest of justice.

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 direct the respondents not to demolish the structure belonging to the petitioner bearing H.No.5-5-35/30/Plot No. 25 situated at Saibaba Nagar Colony, Kukaktpally, Ranga Reddy District, without following the due process of law, pending disposal of the Writ Petition.

Counsel for the Petitioner in all the Writ Petitions: SRI P. SHASHI KIRAN

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

**Counsel for the Respondent Nos.2 & 3 in all the Writ Petitions:
SRI M. DHANANJAY REDDY, S.C. FOR GHMC**

The Court made the following: COMMON ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

**WRIT PETITION Nos.22234, 22278, 22289, 22301, 22314, 22356, 22374,
22427, 22428 and 22493 of 2023**

COMMON ORDER:

Since the issue involved in the present Writ Petitions is one and the same, they are being disposed of by this common order.

2. Heard learned counsel for petitioners, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri M.Dhananjay Reddy, learned Standing Counsel appearing on behalf of respondent Nos.2 and 3, and perused the record.

3. The case of the petitioners in brief is that the respondent authorities have issued notice, and without passing any order thereon and without following due process of law, are threatening to demolish the structures belonging to the petitioners, which action it is contended is highly illegal, arbitrary and unconstitutional and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') part from violative of Articles 14, 21 and 300-A of the Constitution of India, with a consequential direction to respondents not to

demolish the aforesaid structures of the petitioners without following due process of law.

4. Counter-affidavit on behalf of respondents is filed.
5. By the counter-affidavit, the respondents claim that petitioners having undertaken constructions without obtaining valid permission or sanction from the respondent authorities, the authorities have caused a show cause notice to the petitioners calling upon them to submit their explanation to the same.
6. By the counter-affidavit, it is further stated that since the petitioners did not submit any explanation, the authorities have passed a speaking order holding the subject constructions made by the petitioners to be unauthorized and illegal constructions.
7. By the counter-affidavit, it is also stated that when the authorities sought to serve the speaking order on the owners/occupiers of the subject premises as they have refused to receive the same, the authorities have served the same by way of affixture, and thus, it is not open for the petitioners to allege and claim of not being served either with the show cause notice or the

speaking order preventing the authorities from taking further action thereon.

8. I have taken note of respective contentions urged.

9. Though, the respondent authorities claim of initiating action firstly by issuing show cause notice and thereafter by passing speaking order as the petitioners failed to submit any reply to the show cause notice, it is not shown to this Court of the respondent authorities taking steps for serving the speaking order stated to have been passed on the petitioners being the owners/occupiers in the manner prescribed under Section 630 of the Act. Though, respondents claim of having served the speaking order by way of affixture, it is to be noted that the resort to serving the notice/summons/orders etc by affixture is to be undertaken only after exhausting other three modes of service prescribed under Section 630 of the Act.

10. Inasmuch as the respondents claim of serving the speaking order by affixture without exhausting the three modes of service prescribed under Section 630 of the Act, the claim of the respondents of petitioners refusing to receive the speaking order

when sought to be served on them, resulting in authorities having served the same by way of affixture cannot be held as valid mode of service for the authorities to take further action thereon.

11. Accordingly, the speaking order passed by the respondent authorities in all these cases are set aside; the matters are remitted back to the respondent authorities to cause fresh notice to the petitioners affording sufficient time to submit their explanation; pass speaking order thereafter; and serve the same on petitioners in the manner prescribed under Section 630 of the Act.

12. Subject to above direction, the Writ Petitions are disposed of.
No costs.

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

Sd/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

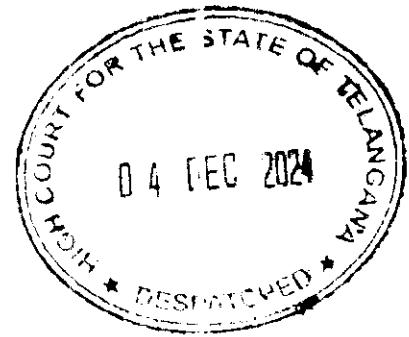
To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, BRKR Ehan, Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.24, Kukatpally, Ranga Reddy District.
4. One CC to SRI P. SHASHI KIRAN, 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 M. DHANANJAY REDDY, S.C. for GHMC [OPUC]
7. Two CD Copies

MP. 48

HIGH COURT

DATED:30/09/2024



COMMON ORDER

**W.P. Nos.22234, 22278, 22289, 22301, 22314, 22356,
22374, 22427, 22428 and 22493 of 2023**

**DISPOSING OF THE WRIT PETITIONS
WITHOUT COSTS**

10 copies
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23/10/24