

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

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 13096 OF 2022

Between:

1. M. Ganga Reddy, S/o. Pedda Gangaram, Age 44 Years, Occ Agriculture, R/o. H. No. 4-56, Fathepur Village, Armoor Mandal, Nizamabad District.
2. D. Manohar, S/o. Gangaram, Age 49 Years, Occ Agriculture, R/o. H. No. 1-69, Argul Village, Jakranpally Mandal, Nizamabad District.

...PETITIONERS

AND

1. The State of Telangana, represented by its Principal Secretary to the Municipal Administration, Secretariat Buildings, Hyderabad.
2. The Armoor Municipality, represented by its Commissioner, Armoor Proper and Mandai, Nizamabad District
3. D. Nagabhushanam, S/o. Gangaram, Age 58 Years, Occ Agriculture, R/o. H. No. 1-99/9, Perkit Village, Armoor Municipal Limits, Armoor Proper and Mandal, Nizamabad District.
4. D. Bhumanna, S/o. Gangaram, Age 55 Years, Occ Agriculture, R/o. H. No. 1-99/9, Perkit Village, Armoor Municipal Limits, Armoor Proper and Mandal, Nizamabad District.
5. D. Naga Rajeshwar, S/o. Gangaram, Age 50 Years, Occ Agriculture, R/o. H. No. 1-99/9, Perkit Village, Armoor Municipal Limits, Armoor Proper and Mandal, Nizamabad 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 order or direction more particularly on in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondent No. 2, in not taking any action against the illegal acts of the respondents No. 3 to 5, causing damage to the 33' Feet and 40' Feet roads in the layouts L.P. No. 76/2011/HRO/H1, and L. P. No. 78/2011/HRO, in Sy. No's. 439, 441/U, 441/UU, 441/EE and 441/EE, and Sy. No's. 437/1, 438, 439 and 442/A, situated at Perkit Village, within the limits of Armoor Municipality, Nizamabad District, and not taking any steps for protecting the said roads considering the representation submitted by the petitioners dated. 20/12/2021, is nothing but arbitrary, illegal null and void and violative of principles of natural justice and also violative of Articles 14, 19 and 21 of the Constitution of India and also violative of the provisions of the Telangana

Municipalities Act, 2019. Consequently direct the respondent No. 2, to take necessary steps for protecting the 33' Feet and 40' Feet roads in the layouts L.P. No. 76/2011/HRO/H1, and L. P. No. 78/2011/HRO, in Sy. No's. 439, 441/U, 441/UU, 441/EE and 441/EE, and Sy. No's. 437/1, 438, 439 and 442/A, situated at Perkit Village, within the limits of Armoor Municipality, Nizamabad District, considering the representation submitted by the petitioners dated. 20/12/2021.

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 No. 2, to take necessary steps for protecting the 33' Feet and 40' Feet roads in the layouts L.P. No. 76/2011/HRO/H1, and L. P. No. 78/2011/HRO, in Sy. No's. 439, 441/U, 441/UU, 441/EE and 441/EE, and Sy. No's. 437/1, 438, 439 and 442/A, situated at Perkit Village, within the limits of Armoor Municipality, Nizamabad District, considering the representation submitted by the petitioners dated. 20-12-2021.

Counsel for the Petitioners: SRI. K. VENUMADHAV

Counsel for the Respondent No.1:

GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

**Counsel for the Respondent No.2: SRI N. PRAVEEN KUMAR,
SC FOR MUNICIPALITIES**

Counsel for the Respondent Nos.3 to 5: NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 13096 of 2022

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the inaction of the 2nd respondent against the illegal acts of Respondents 3 to 5 causing damage to 33' and 40' roads in the layouts L.P.No. 76/2011/HRO/H1 and L.P.No. 78/2011/HRO in Survey Nos. 439, 441/U, 441/UU, 441/EE and 441/EE and Survey Nos. 437/1, 438, 439 and 442/A situated at Perkit Village within the limits of Armoor Municipality, Nizamabad District and not taking any steps for protecting the said roads considering the representation submitted by the petitioners dated 20.12.2021 as nothing but arbitrary and illegal.

2. It is stated that originally, the subject land was owned and possessed by Respondents 3 to 5, however, for financial needs, they sold the same and the persons who purchased the said property had formed a layout making the entire land into 102 house site plots by forming 33' and 40' feet wide roads. It is stated that Petitioner No.1 is the purchaser of Plot No. 29 to an extent of 320.75 square yards through a registered sale deed which was subsequently, ratified through a supplemental-cum-rectification deed dated 30.12.2009 and petitioner No.2 is the owner and possessor of Plot Nos. 35 and 36 in an extent of 270 and 240 square yards through registered sale deeds, dated 30.12.2020. It is also stated that Respondents 3 to 5, who are owners of the land to the Northern side of the layout, with an intention to grab the road, started damaging 33' and 40' feet road .



2. Learned counsel for the petitioners Sri K. Venumadhav submits that the petitioners have submitted a representation to the official respondents on 20.12.2021, but they have not taken any action against Respondents 3 to 5.

3 Sri N. Praveen Kumar, learned Standing Counsel for the respondent – Municipality, on instructions, submits that the respondent officials have found debris on the road and they have removed the same and the road is clear now.

4. Recording the said submission of the learned Standing Counsel, the Writ Petition is closed. There shall be no order as to costs.

5. The miscellaneous Applications, if any shall stand closed.

SD/K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. One CC to Sri K. Venumadhav, Advocate [OPUC]
2. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to Sri N. Praveen Kumar, SC for Municipalities [OPUC]
4. Two CD Copies
5. One Spare Copy

CHR
MMA



HIGH COURT

DATED:23/03/2022

ORDER

W.P.No.13096 of 2022



**CLOSING THE WRIT PETITION
WITHOUT COSTS**

⑦ VLV
29/3/22