

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

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 14974 OF 2022

Between:

Mannem Narender Reddy, S/o.M.Yadagiri Reddy, aged about 51 years, Occ.
Government Employee, R/o.H.No.18-394/8-1, Shadnagar Town,
Faroochinagar Mandal, Ranga Reddy District, Telangana.

Currently residing at Plot No.4, Santhoshimatha Temple, Hashthinapuram
North, Saroornagar, Ranga Reddy District-500079, Telangana State

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary Municipal Administration and Urban Development Department, Secretariat Buildings, Hyderabad
2. Shadnagar Municipality, represented by its Commissioner, Shadnagar, Ranga Reddy District, Telangana.

...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 one in the nature of writ of mandamus declaring the action of the 2nd respondent, in passing the revocation order through Letter No.127180 /SHAD /0060 / 2022 dated 28/01/2022 for construction of residential house Stilt for parking plus 2 upper floors in total land admeasuring 239 Sq yds equal to 199.83 Sq.Mtrs in Plot No.42, situated at Sy No.241/P Vimala Shankar Nagar Colony, Shadnagar Village, Farroqnagar Mandal, Rangareddy District, Telangana is nothing but arbitrary, illegal, null and void and violative of principles of natural justice, Articles 14,19 and 21 of the Constitution of India and provision of the Telangana Municipalities Act, 2019 and consequently set aside the revocation order in Letter No.127180/SHAD/0060/2022 dated 28/01/2022

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 suspend the revocation orders passed by the 2nd respondent, in Letter No.127180/SHAD/0060/2022 dated 28/01/2022, thereby directing the 2nd respondent not to interfere in any manner in construction of the residential building

in accordance with the sanctioned plan, by the petitioner in his plot of land total admeasuring 239 Sq yds equal to 199.83 Sq.Mtrs in Plot No.42, situated at Sy No.241/P Vimala Shankar Nagar Colony, Shadnagar Village, Farropagar Mandal, Rangareddy District, Telangana.

Counsel for the Petitioner: SRI. KATTA LAXMI PRASAD

Counsel for the Respondent No. 1: AGP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT

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

The Court at the stage of admission made the following: order

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 14974 of 2022

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent in passing the revocation order through letter No. 127180/SHAD/0060/2022, dated 28.01.2022 for construction of residential house stilt for parking + 2 upper floors in total land admeasuring 239 square yards in Plot No.42, situated at Survey No. 241/P, Vimala Shankar Nagar Colony, Shadnagar Village, Farooqnagar Mandal, Ranga Reddy District as illegal, arbitrary and violative of the principles of natural justice.

2. Heard Sri Katta Laxmi Prasad, learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development and Sri N. Praveen Kumar, learned Standing Counsel for the respondent Municipality. All the learned counsel submit that the issue in this Writ Petition is squarely covered by the order dated 13.12.2021 in Writ Petition No. 20398 of 2021 and batch, wherein this Court considered the issue at length and at paras 12 and 13 directed as under:

“12. In view of the above, this Court is of the opinion that in order to justify the action taken by the respondent authorities in revoking the building permission of the petitioners, they ought to have acted fairly and in strict adherence to the principles of natural justice. However, since the learned Special Government Pleader, on instructions, submitted that the

impugned revocation letters passed against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, the said submission is placed on record. The impugned revocation letters passed by the respondent authorities against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, in terms of submissions made by the learned Special Government Pleader. The petitioners are directed to submit their explanations to the objections pointed out in the impugned revocation letters to the respondent authorities within a period of two weeks from today. On such submission of explanations by the petitioners, the respondent authorities are entitled to pass appropriate orders, in accordance with the provisions of TS-bPASS Act and the Rules made thereunder, within a period of one week from the date of receipt of such explanations. In case, if no orders are passed by the respondent authorities within the time indicated above, there shall be deemed approval of the applications of the petitioners filed for construction of buildings. It is made clear that until passing of orders by the respondent authorities within the time prescribed on the explanations submitted by the petitioners, the petitioners shall not proceed with any type of constructions in their respective subject lands.

13. As regards the contention of the learned counsel for the petitioner in W.P.No. 32665 of 2021 that the revocation order was passed without recording any objections, the respondent authorities are directed to bring the objections to the notice of the petitioner therein within a period of one week from today; and on receipt of such objections, the petitioner shall submit his explanation to the said objections within two weeks thereafter; and on submission of such explanation by the petitioner, the respondent authorities are entitled to pass appropriate orders in accordance with the provisions of TS-bPASS Act and the Rules made thereunder within one week from the date of receipt of such explanation. In case, if no orders are passed by the respondent authorities within the time indicated above, there shall be deemed approval of the application of the petitioner filed for construction of building. It is made clear that until passing of orders by the

respondent authorities within the time prescribed on the explanations submitted by the petitioner, the petitioner shall not proceed with any type of constructions in his subject land.”

3. In view of the above, the Writ Petition is allowed setting aside the revocation order dated 28.01.2022. The respondents are directed to follow the guidelines / directions issued by this Court in Writ Petition No. 20398 of 2021 and batch, dated 13.12.2021 and pass orders in accordance with law. There shall be no order as to costs.

The Miscellaneous Applications, if any shall stand automatically closed.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Municipal Administration and Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad
2. The Commissioner, Shadnagar Municipality, Shadnagar, Ranga Reddy District, Telangana.
3. One CC to Sri. Katta Laxmi Prasad, Advocate [OPUC]
4. One CC to Sri.N. Praveen Kumar, SC for MC [OPUC]
5. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
6. Two CD Copies.
7. One Spare Copy.

PM

HIGH COURT

DATED:24/03/2022

ORDER

WP.No.14974 of 2022



Allowing the WP
Without costs.

(9) VLW
12/4/22