

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

MONDAY, THE EIGHTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 18469 OF 2022

Between:

Muddamalla Karuna, D/o. late Shanti Kumar @ Shanthaiah, aged about 62 years, Occ. Retired Employee, R/o. H.No. 7-3-132/A, Mission Compound, Jagtial Town and District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad.
2. The Jagtial Municipality, Rep. by its Commissioner, Jagtial, Jagtial 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 a writ, order or a direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned proceedings of the 2nd respondent, vide No.G1/299/2022, dated 17/03/2022, as illegal arbitrary and unreasonable and in gross violation of principles of natural justice and also contrary to the provisions of the Telangana Municipalities Act, 2019 and consequently set-aside the same

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 impugned Proceedings bearing No. No.G1/299/2022, dated 17/03/2022, of the 2nd respondent, pending disposal of the writ petition.

Counsel for the Petitioner: SRI D. BHASKAR REDDY

**Counsel for Respondent No. 1: GP FOR MUNICIPAL ADMINISTRATION &
URBAN DEVELOPMENT**

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

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.18469 of 2022

ORDER:

This Writ Petition is filed questioning the proceedings of the 2nd respondent vide No.G1/299/2022 dated 17.03.2022 whereby the building permission obtained by the petitioner is revoked under Section 176, 177, 178, 181 of Telangana Municipalities Act, 2019 as illegal and arbitrary.

2. Mr. D. Bhaskar Reddy, learned counsel appearing on behalf of the petitioner submits that petitioner has applied for construction of a residential building consisting of Ground Floor + one upper floor in an open land admeasuring Ac.0.02guntas out of H.No.7-3-132 situated at Mission Compound, Jagtial through TS-bPASS by filing an application dated 24.06.2021. He submits that he has paid necessary fees and respondent No.2 vide proceedings dated 14.07.2021 has granted letter of approval for commencement of work and petitioner started construction. He submits that at the time of making application, the petitioner has enclosed all the relevant documents for granting permission and while the matter stood so, the respondent Corporation has issued a show cause notice dated 02.03.2022 to the petitioner informing him that one M. Jacob Jaya Kumar has given a complaint against him alleging

that he has obtained building permission by misrepresentation and false declaration while making an application. He submits that the petitioner has submitted a detailed reply on 04.03.2022 categorically mentioning that he has submitted application for grant of building permission over the vacant plot which he has got by way of Family Settlement Deed dated 26.03.1996 and also along with the said reply to the show cause notice, he has enclosed all the relevant documents which shows that the petitioner is owner of the said property. He submits that while making application dated 24.06.2021 through TS-bPASS, in title box, the house number instead of mentioning as 7-3-132/2, the petitioner has mentioned as 7-3-132 and it is only a typographical mistake. He submits that the respondents without considering all these facts have passed impugned orders stating that under the TS-bPASS Act, the petitioner's representation dated 04.03.2022 for making corrections in online application cannot be considered as the entire process of getting building permission is made online and the office has no authority to rectify any of the said mistakes. He submits that the inadvertently mentioning the house number when petitioner has submitted all the relevant

documents cannot fall under Section 177 of the Telangana Municipalities Act, 2019. He submits that there is no misrepresentation and it is only an inadvertent error crept while submitting the said application and the respondents ought not to have cancelled the building permission.

3. Mr. N. Praveen Kumar, Learned Standing Counsel for Municipalities appearing for respondent No.2 submits that now under the TS-bPASS Act, the applications are made online and for the correction, they do not have any control or jurisdiction to rectify the said mistakes. Hence, the impugned proceedings dated 17.03.2022 does not suffer from any illegality. He submits that already the petitioner has completed the ground floor and the said construction is in deviation of the sanctioned application.

4. The process for obtaining permission is online, the petitioner has obtained the building permission online. Along with the application, the petitioner has submitted all the documents. While making the application dated 24.06.2021 through TS-bPASS, the house number instead of mentioning as 7-3-132/2, the petitioner has mentioned as 7-3-132. Even it

is not the case of the respondents that for gaining some advantage or for any other purposes, the petitioner has mentioned the other house number. Hence the mentioning of house number by the petitioner in the application is only an inadvertent error. Even if the application has been submitted online, there should be some mechanism in place to rectify this kind of mistakes.

5. In view of the above, the impugned proceedings dated 17.03.2022 is set aside and both the 1st respondent and the 2nd respondent shall look into this issue and take appropriate steps for redressing these kind of issues and mechanism should be in place to address these issues. The 1st respondent shall file a detailed report in this regard before this Court within a period of four weeks from today.

6. Accordingly, the writ petition is disposed of. Report shall be placed before the Registrar (Judicial) and as far as the contention of the learned Standing Counsel with regard to the building deviations that are done by the petitioner, it is always open for them to initiate appropriate action in accordance with law. It is left open to the respondents to take appropriate

action in accordance with law. No order as to costs.

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

Copy shall be marked to the 1st respondent.

//TRUE COPY//

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR

GP

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner, Jagtial Municipality, Jagtial, Jagtial District.
3. One CC to Sri D Bhaskar Reddy Advocate [OPUC]
4. Two CCs to GP For Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
5. One CC to Sri N. Praveen Kumar, SC for Municipalities(OPUC)
6. Two CD Copies
7. One Spare Copy

MBC
TR

MB

HIGH COURT

DATED: 18/04/2022



ORDER

WP.No.18469 of 2022

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

mrc
20-4-22 (9)