

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

:PRESENT:

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA -
WRIT PETITION NO: 24093 OF 2022 -**

Between:

Kuchoori Chandrappa, S/o. Late Sri. K. Adivappa

Petitioner

AND

1. The State of Telangana, Rep. by its Special Chief Secretary, Roads and Buildings Department, Secretariat, BRKR Bhavan, Hyderabad, TS
2. The Engineer-In-Chief (R and B) State of Telangana, Roads and Buildings Department, Erram Manzil Colony, Punjagutta, Hyderabad-500082, TS.
3. The District Collector, Mahaboobnagar District, Mahaboobnagar Town and District, T.S.
4. The District (Roads and Buildings) Officer, Roads and Buildings Department, Mahaboobnagar District, Mahaboobnagar Town and District, T.S
5. The Deputy Executive Engineer (R and B), Roads and Buildings Department, Mahaboobnagar, Sub-Division, Mahaboobnagar Town and District, TS.
6. The Tahsildar, Nawabpet Mandal, Nawabpet Town and Mandal, Mahaboobnagar District, TS.
7. Nawabpet Grampanchyat, Rep. by its Sarpanch, Nawabpet Grampanchyat and Mandal, Mahaboobnagar District, TS.
8. Nawabpet Grampanchyat, Rep. by its Panchyat Secretary, Nawabpet Grampanchyat, Nawabpet Grampanchyat and Mandal, Mahaboobnagar District, TS.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri Palle Nageswar Rao presented this 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, to declare the illegal action of the respondents herein, particularly 4th respondent to 8th respondents, threaten to demolish petitioner residential building, which was constructed with the valid permission granted by the 7th respondent Grampanchyat only, and 7th and 8th respondents illegally issued the present impugned notice No. AA/JP/01/2022, dated. 19.05.2022 to the petitioner and threaten to demolish the petitioner residential building, situated at House bearing No 7-143, admeasuring of 95

Sq.yards, within the limits of Nawabpet Grampanchyat, Nawabpet Town and Mandal, Mahaboobnagar District, TS, without there being any authority or power, moreover the 7th and 8th respondents neither proceed with the due process of law, nor taken any proper steps by the 3rd respondent to 6th respondents for acquiring the petitioner property/petitioner residential building for road winding. Therefore, issuing of present impugned notice No. AA/JP/01/2022, dated. 19.05.2022 it's bad in law, and same as been illegal, arbitrary, unjust, and its nothing but misuse of their official powers and contrary to the provisions of the Right to fair Compensation and also violation of Article, 14, 19, and 300-A of the Constitution of India, and consequently direct the respondents herein, not to demolish or not to interfere with the peaceful possession and enjoyment of the petitioner residential house bearing No 7-143, admeasuring of 60 Sq.yards, within the limits of Nawabpet Grampanchyat, Nawabpet Town and Mandal, Mahaboobnagar District, TS without following due process of law, by set-a-side the present impugned notice No. AA/JP/01/2022, dated. 19.05.2022 issued by the 7th and 8th respondents;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Palle Nageswar Rao Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Special Chief Secretary, Roads and Buildings Department, State of Telangana, Secretariat, BRKR Bhavan, Hyderabad, TS
2. The Engineer-In-Chief (R and B) State of Telangana, Roads and Buildings Department, Erram Manzil Colony, Punjagutta, Hyderabad-500082, TS.
3. The District Collector, Mahaboobnagar District, Mahaboobnagar Town and District, T.S.
4. The District (Roads and Buildings) Officer, Roads and Buildings Department, Mahaboobnagar District, Mahaboobnagar Town and District, T.S
5. The Deputy Executive Engineer (R and B), Roads and Buildings Department, Mahaboobnagar, Sub-Division, Mahaboobnagar Town and District, TS.
6. The Tahsildar, Nawabpet Mandal, Nawabpet Town and Mandal, Mahaboobnagar District, TS.
7. The Sarpanch, Nawabpet Grampanchyat, Nawabpet Grampanchyat and Mandal, Mahaboobnagar District, TS.
8. The Panchayat Secretary, Nawabpet Grampanchyat, Nawabpet Grampanchyat, Nawabpet Grampanchyat and Mandal, Mahaboobnagar District, TS.

are directed to show cause on or before 17.06.2022 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents herein, not to demolish or not to interfere with the peaceful possession and enjoyment of the petitioner residential house bearing No 7-143, admeasuring of 60 Sq.yards, within the limits of Nawabpet Grampanchyat, Nawabpet Town and Mandal, Mahaboobnagar District, TS without following due process of law, by suspending the present impugned notice No. AA/JP/01/2022, dated. 19.05.2022 issued by the 7th and 8th respondents in the interest of justice, pending disposal of WP No. 24093 of 2022, on the file of the High Court.

The Court made the following

ORDER:

Notice before admission.

Heard learned counsel for the petitioner and learned Government Pleader for Roads & Buildings Department appearing for Respondent Nos.1, 2, 4 & 5. ✓

Perused the impugned final notice dated 19.05.2022. The last four lines of the impugned final notice No. AA/JP/01/2022, dated 19.05.2022 read as under:

“Therefore, it is clear that within (7) days of receipt of the notice, you can remove the structures belonging to yourself and contribute to the road widening and construction and village development. It has been suggested in advance that appropriate action will be taken by law by the Grampanchayat according to Act.”

As the final notice very clearly indicates that no prior notice has been issued to the petitioner prior to the impugned final notice dated 19.05.2022 and further the petitioner is called upon to remove the structures belonging to the petitioner within seven (07) days from the date of receipt of the notice, *prima facie*, this Court is of the opinion that the impugned final notice is issued in clear violation of the principles of natural justice. It is strange that a statutory authority directs the citizen of the country to contribute

to the road widening and village development arbitrarily and highhandedly.

Under these circumstances, there shall be an interim direction as prayed for.

List on 17.06.2022.

Meanwhile, the respondents are directed to ensure filing of counter.

Sd/- L.LAKSHMI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Chief Secretary, Roads and Buildings Department, State of Telangana, Secretariat, BRKR Bhavan, Hyderabad, TS
2. The Engineer-In-Chief (R and B) State of Telangana, Roads and Buildings Department, Erram Manzil Colony, Punjagutta, Hyderabad-500082, TS.
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7. The Sarpanch, Nawabpet Grampanchyat, Nawabpet Grampanchyat and Mandal, Mahaboobnagar District, TS.
8. The Panchayat Secretary, Nawabpet Grampanchyat, Nawabpet Grampanchyat, Nawabpet Grampanchyat and Mandal, Mahaboobnagar District, TS.
(Addressees 1 to 8 by RPAD along with a copy of petition and affidavit)
9. One CC to Sri Palle Nageswar Rao Advocate [OPUC]
10. Two CC to GP for Roads and Buildings, High Court Of Judicature at Hyderabad.
[OUT]
11. One spare copy

HIGH COURT ✓

SNJ ✓

DATED:02/06/2022 ✓

NOTE: POST ON 17.06.2022 ✓

NOTICE BEFORE ADMISSION ✓

WP.No.24093 of 2022 ✓

INTERIM DIRECTION ✓

03 JUN 2022