

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND NINE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

: WRIT PETITION NO : 14494 of 2009

Between:

Metha & Modi Homes Partnership Firm rep.by its Partner
Sohan Modi, S/o. Shri Satish Modi Plot No.280 Road No 25,
Jubeilee Hills,Hyderabad-500034

..... PETITIONER

AND

1. The Greater Hyderabad Municipal Corporation rep.by its
Commissioner Tank Bund Road Hyderabad
2. The Deputy Commissioner GHMC Kapra Circle, Kushaiguda,
Hyderabad
3. A.Sattaiah S/o A.Ramaiah, 1-91 Mallapur,Ranga Reddy District
4. A. Venkatesh S/o A. Sathaiah, 1-91 Mallapur,Ranga Reddy
District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order direction declaring the inaction of the respondent Nos. 1 & 2 in not stopping the illegal and unauthorized construction of the 3rd & 4th respondents in their plots admeasuring 444 Square yards in Survey No 82/1 Mallapur(V) Uppal(M) Ranga Reddy District as arbitrary and illegal and consequently direct the respondent Nos. 1&2 to stop the illegal construction activity of the 3rd & 4th respondents in plot admeasuring 444 square yards in Sy No.82/1 Mallapur(V) Uppal(M) Ranga Reddy District and further direct the respondents and 2 to demolish the illegal already raised by the 3rd & 4th respondents illegally in the said plots.

Counsel for the Petitioner: SRI. V.VENKATARAMANA

**Counsel for the Respondent Nos. 1 2: R.RAMACHANDRA
REDDY,SC FOR MCH**

The Court at the stage of admission made the following :

THE HON'BLE Ms. JUSTICE G.ROHINI**WRIT PETITION NO : 14494 of 2009****ORDER:**

This writ petition is filed seeking a declaration that the action of the respondents 1 and 2 (Greater Hyderabad Municipal Corporation) in not stopping the alleged illegal and unauthorised constructions being made by the respondents 3 and 4 in plots situated in Survey No.82/1, Mallapur village, Uppal Mandal, Ranga Reddy District, as arbitrary and illegal.

I have heard learned counsel for the petitioner as well as the learned Standing Counsel appearing for the Corporation.

The material on record shows that the petitioner submitted a representation complaining about the alleged illegal and unauthorised constructions being made by the respondents 3 and 4 and the same was received in the office of the respondents on 30.06.2009. In the circumstances, the respondents 1 and 2 are bound to make necessary enquiry into the allegations made by the petitioner and appropriate action is expected to be taken in accordance with law.

Accordingly, without expressing any opinion as to the correctness of the allegations made by the petitioner, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 30.6.2009 and pass appropriate orders, in accordance with law, after giving an opportunity to the 3rd and 4th



respondents to rebut the allegations made. Such an exercise shall be completed, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly, at the stage of admission. No costs.

// TRUE COPY //

SD/- S. SUBBA RAO
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Commissioner, Greater Hyderabad Municipal Corporation,
Tank Bund Road, Hyderabad -
2. The Deputy Commissioner GHMC Kapra Circle, Kushaiguda,
Hyderabad
3. Two C.D. Copies.
4. One CC to Sri. V. Venkata Ramana, Advocate (OPUC)
5. One CC to Sri. R. Ramachandra Reddy, Advocate (OPUC)

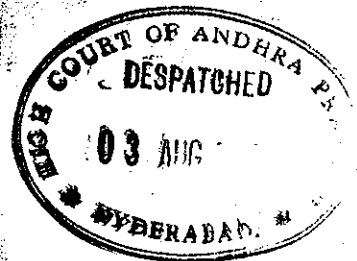
PM 

Dated: 21/07/2009

ORDER

WP.NO. 14494 OF 2009

Disposing of the WP
At the admission stage
Without costs.



Carbon Copy Application Filed on 21/7/09
Copy Ready on 31/8/09
Copy Delivered on 31/8/09

⑥ PWS
3/8

31/8/09
Section Officer
Current Section
High Court of Andhra Pradesh
Hyderabad.

3/8/09

VEDULA VENKATA RAMANA
PERI PRABHAKAR
PERI VENKATA RAMANA
RASHEEDA THABASSUM
ADVOCATES

5-9-1111/1, 1ST Floor,
KINGKOTI, HYDERGUDA
HYDERABAD - 500 029

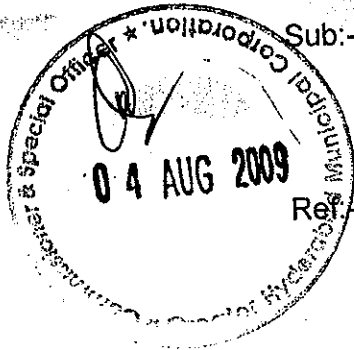
DATE:03.08.2009

BY REGISTERED POST ACK DUE

To

- 1) The Greater Hyderabad Municipal Corporation
Rep. by its Commissioner, Tank Bund Road,
HYDERABAD.
- 2) The Deputy Commissioner, GHMC Kapra Circle,
Kushaiguda,
HYDERABAD.

Sirs,



Sub:- Illegal and unauthorized construction being made by A. Sattaiah.
A. Venkatesh in Plot No. 3&4 Sy. No. 82/1 Mallapur Village,
Uppal Mandal, Ranga Reddy District - action for demolition of the
same - Reg.

Ref:- Orders passed in W.P.No. 14494 of 2009 dated 21-07-2009 by
the High Court of A.P.,

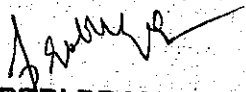
Please take Notice that my clients M/s.Mehta & Modi Homes, a partnership firm, rep. by its partner, Soham Modi have filed W.P.No.14494 of 2009 against No.1 and 2 of you and A.Sattaiah, S/o A.Ramaiah; A.Venkatesh S/o A.Sattaiah, R/o 1-91, Mallapur Village, Ranga Reddy District, complaining that the said persons are making illegal and unauthorized constructions in plot Nos.3 and 4, admeasuring 444 sq.yards Survey No.82/1, Mallapur Village, Uppal Mandal, Ranga Reddy District, without obtaining any construction permission from 1 and 2 of you and also that they are encroaching into the main road. It was further stated in the writ petition that a representation was given to your offices on 30.06.2009, but no action was taken by you for removal of the unauthorized structures.

Prabha

The Hon'ble High Court after hearing the counsel for petitioners, and GMCH has passed orders on 21.07.2009, directing Nos.1 and 2 of you to consider the representation filed by my client and pass appropriate orders and take necessary action in accordance with law. A copy of the order of the High Court is herewith enclosed. You are, therefore, required to comply with the orders of the High Court and take necessary action on the representation of my clients and take all steps for demolition of the illegal and unauthorized structures being constructed by the said persons. You are requested to take immediate action as the said persons are proceeding with the construction at a rapid pace.

Thanking you,

Yours sincerely,


(PERI PRABHAKAR)
ADVOCATE

d/c

VEDULA VENKATA RAMANA
PERI PRABHAKAR
PERI VENKATA RAMANA
RASHEEDA THABASSUM
ADVOCATES

5-9-1111/1, 1ST Floor,
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HYDERABAD - 500 029

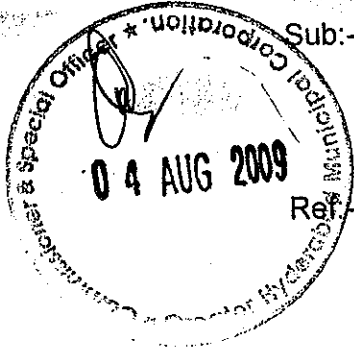
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A. Venkatesh in Plot No. 3&4 Sy. No. 82/1 Mallapur Village,
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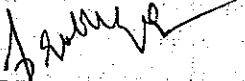
Please take Notice that my clients M/s.Mehta & Modi Homes, a partnership firm, rep. by its partner, Soham Modi have filed W.P.No.14494 of 2009 against No.1 and 2 of you and A.Sattaiah, S/o A.Ramaiah; A.Venkatesh S/o A.Sattaiah, R/o 1-91, Mallapur Village, Ranga Reddy District, complaining that the said persons are making illegal and unauthorized constructions in plot Nos.3 and 4, admeasuring 444 sq.yards Survey No.82/1, Mallapur Village, Uppal Mandal, Ranga Reddy District, without obtaining any construction permission from 1 and 2 of you and also that they are encroaching into the main road. It was further stated in the writ petition that a representation was given to your offices on 30.06.2009, but no action was taken by you for removal of the unauthorized structures.

Parthasarathy

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ADVOCATE

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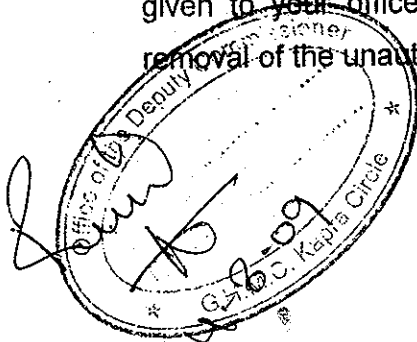
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- 2) The Deputy Commissioner, GHMC Kapra Circle,
Kushaiguda,
HYDERABAD.

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S/o A.Sattaiah, R/o 1-91, Mallapur Village, Ranga Reddy District, complaining
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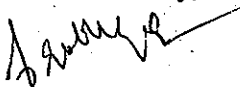


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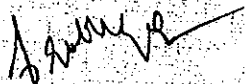
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(Special Original Jurisdiction)

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Counsel for the Petitioner: SRI. V.VENKATARAMANA

**Counsel for the Respondent Nos. 1 2: R.RAMACHANDRA
REDDY,SC FOR MCH**

The Court at the stage of admission made the following :

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SD/- S. SUBBA RAO
ASSISTANT REGISTRAR

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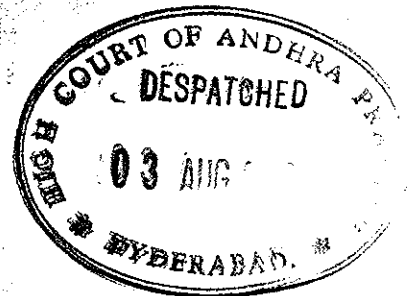
PM 

Dated: 21/07/2009

ORDER

WP.NO. 14494 OF 2009

Disposing of the WP
At the admission stage
Without costs.



Carbon Copy Application Filed on 21/7/09
Copy Ready on.....31/8/09.
Copy Delivered on.....31/8/09

[Signature]
Section Officer
Current Section
High Court of Andhra Pradesh
Hyderabad.

⑥ PWR
3/8

[Signature]
3/8/09