

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE THIRTY FIRST DAY OF JANUARY —
TWO THOUSAND AND NINETEEN

:PRESENT:
THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION NO: 788 OF 2019

Between:

M. Linga Murthy, S/o. late M. Chandraiah,

.....Petitioner

AND

1. The State of Telangana, rep. by its Principal Secretary, Municipal Administration Department, Secretariat Buildings, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.
3. The Deputy Commissioner, Circle-5, Saroornagar, Hyderabad.
4. The Zonal Commissioner, East Greater Hyderabad Municipal Corporation, Hyderabad.
5. C. Goutham Kumar, S/o. late C. Sudershan, aged about 35 years, R/o. H.No.11-3-29, Behind Ram Mandir, Saroornagar Circle, Hyderabad-500 035.

....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 direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos. 2 to 4 herein in not considering the petitioners representation dt.27.11.2018 and in not initiating appropriate action against the 5th respondent herein as per the provisions of GHMC Act as illegal, arbitrary, unconstitutional, malafide, irrational, and to consequently direct the respondent Nos. 2 to 4 herein to forthwith consider petitioners representation dt.27.11.2018 and initiate appropriate action in accordance with law

IA NO: 1 OF 2019

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 Nos. 2 to 4 herein to forthwith consider petitioner's representation dt.27.11.2018 and initiate appropriate action in accordance with law, pending disposal of the WP.No.788 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of MRS.S.NANDA Advocate for the Petitioner and GP for Municipal Administration for Respondent No.1 and Sri.N.Ashok Kumar, Standing counsel for Respondents 2 to 4, the Court made the following.

ORDER

In this writ petition, petitioner challenges the action of respondent Nos.2 to 4 in not considering the representation, dated 27.11.2018, submitted by him with respect to the illegal constructions that are being made by respondent No.5.

Having regard to the above, respondent No.3-Deputy Commissioner, Circle-5, Saroornagar, Hyderabad shall personally examine this case and take appropriate steps in accordance with law with respect to the specific allegations of

the petitioner. If what has been stated by the petitioner by way of an affidavit before this Court is true, obviously, there is an element of complacency and collusion between the Field Officer of the respondent Corporation and respondent No.5. If respondent No.3 feels that without taking any action, the Field Assistant allowed the construction being made by respondent No.5, he shall initiate appropriate disciplinary proceedings against the said Field Assistant and file an affidavit to the steps taken thereon, within a period of four weeks. He shall bear in mind the law declared by the Division Bench of this Court in **Municipal Corporation of Hyderabad Vs. Philomena Education Foundation of India, Hyderabad** (2008 (2) ALD 1).

Post on 07.03.2019 as part-heard.

Sd/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Municipal Administration Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.
3. The Deputy Commissioner, Circle-5, Saroornagar, Hyderabad.
4. The Zonal Commissioner, East Greater Hyderabad Municipal Corporation, Hyderabad.
5. C. Goutham Kumar, S/o. late C. Sudershan, R/o. H.No.11-3-29, Behind Ram Mandir, Saroornagar Circle, Hyderabad-500 035. (RR-1 to 5 by RPAD)
6. One CC to MRS.S.NANDA Advocate [OPUC]
7. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV (TG), High Court Of Judicature at Hyderabad. [OUT]
8. One spare copy

HIGH COURT

CKR,J

DATED: 31.01.2019

NOTE: POST ON 07.03.2019
AS PART-HEARD

WP.NO.788 OF 2019

DIRECTION

