

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

MONDAY, THE NINETEENTH DAY OF APRIL TWO THOUSAND AND TWENTY ONE —

:PRESENT:

**THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY** —

**WRIT PETITION NO: 10060 OF 2021** —

**Between:**

Kadari Ailaiah, S/o. Late Balaiah, Aged about 60 years, Occ: Milk Vendor R/o H.No.2-14, Venkatapuram village Saroornagar Mandal, Ranga Reddy District.

...Petitioner

**AND**

1. The State of Telangana, Rep.by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat Buildings, Hyderabad.
2. The Jalpally Municipality, Jalpally Ranga Reddy district Rep.by its Municipal Commissioner.
3. The Tahsildar, Balapur Mandal Ranga Reddy district.
4. The Station House officer, Balapur Police Station, Balapur Ranga Reddy district.
5. Subash Lekhrj Gupta @ Subhash Kumar, S/o. Late Lekhrj Gupta, aged about 78 year, Occ: business, R/o Plot No. 252, Road No. 3 Banjara Hills, Hyderabad.
6. Gita Subash Gupt @ Geeta, S.K.Gupta W/o. Subhash Lekhrj Gupta, Aged about 74 years, Occ: Business R/o Plot No. 252, Road No.3, Banjara Hills Hyderabad.
7. Sunaina Sood @ Sunaina Gupta, W/o. Akhilesh Gupta, aged about 49 years, Occ: House Hold R/o Plot No. 15, Poliseti Enclave, Vikarampuri Secunderabad.
8. Shammik Gupta, S/o. Subhash Lekhrj Gupta, Aged about 55 years, Occ: Business, R/o Plot No. 4, Pentacle, Vivek Singh Lane 61-DB Dulabai Desai Road, Mumbai Maharastra State.
9. Kumud Jammada Dharaiya, S/o. Jammadas Dharaiya, Aged about 73 years, Occ: Business, R/o Minarettee Apartmnts, Dhjarabai Cross Road, Andheri West, Mumbai, Maharastra State.

...Respondents

WHEREAS the Petitioner above named through their Advocate Mr. SYED ILIYAS 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 declaring the inaction of the respondents 2 to 4 in taking action against the respondents 5 to 9 under the guise of the consent order obtained in W.P.No.2307 of 2021 dated 4-2-2021 by playing fraud on this Hon'ble court for erecting tin sheets fencing around the petitioner's lands situated in Sy.Nos. 144 and 145 admeasuring Ac. 16-22 guntas of Balapur village, Saroornagar Mandal, Ranga Reddy district is illegal, arbitrary, contrary to law and violation of Articles, 21, and 300A of the Constitution of India and consequently direct the respondents Nos. 2 to 5 to remove the fencing of tin sheets erected by the respondents 5 to 9 around the petitioner's above stated lands by maintaining status-quo-ante.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Mr. SYED ILIYAS, 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 in the circumstances set out in the petition and the affidavit filed in Writ Petition;

**You viz:**

1. The Principal Secretary, Municipal Administration & Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Municipal Commissioner Jalpally Municipality, Jalpally Ranga Reddy district.
3. The Tahsildar, Balapur Mandal Ranga Reddy district.
4. The Station House officer, Balapur Police Station, Balapur Ranga Reddy district.
5. Subash Lekhrj Gupta @ Subhash Kumar, S/o. Late Lekhrj Gupta, Occ: business, R/o Plot No. 252, Road No. 3 Banjara Hills, Hyderabad.

6. Gita Subash Gupt @ Geeta, S.K.Gupta W/o. Subhash Lekhrj Gupta, Occ: Business R/o Plot No. 252, Road No.3, Banjara Hills Hyderabad.
7. Sunaina Sood @ Sunaina Gupta, W/o. Akhilesh Gupta, Occ: House Hold R/o Plot No. 15, Polisetti Enclave, Vikarampuri Secunderabad.
8. Shammik Gupta, S/o. Subhash Lekhrj Gupta, Occ: Business, R/o Plot No. 4, Pentacle, Vivek Singh Lane 61-DB Dulabai Desai Road, Mumbai Maharastra State.
9. Kumud Jammada Dharaiya, S/o. Jammadas Dharaiya, Occ: Business, R/o Minarettee Apartmnts, Dhjarabai Cross Road, Andheri West, Mumbai, Maharastra State.

are directed to show cause on or before 14.06.2021 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 2021**

Petition under Section 151 of 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 2 to 5 to take action against the respondents 5 to 9 from interfering with the peaceful possession and enjoyment of the petitioner's lands Ac. 16-22 guntas of Balapur village, Saroornagar Mandal, Ranga Reddy district, pending disposal of the Writ petition No.10060 of 2021, on the file of the High Court.

**THE COURT MADE THE FOLLOWING ORDER:**

**"Notice before admission.**

**Sri C.Naresh Redy, learned Counsel, takes notice on behalf of respondents No.5 to 9 and seeks time for filing counter.**

**Post on 14.06.2021 along with W.P.No.9581 of 2021.**

**Having regard to the facts and circumstances of the case, the petitioner is directed to file an appropriate application before the HMDA ventilating his grievance, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the competent authority of HMDA, shall consider the same and pass necessary orders thereon, strictly in accordance with law, duly putting the petitioner as well as respondent Nos.5 to 9 on notice and affording them an opportunity of hearing, as expeditiously as possible, preferably, within a period of four weeks thereof. A copy of the order shall be communicated to the petitioner.**

**Registry shall make an endorsement on the writ petition to the effect that the writ petition shall not be permitted to be withdrawn.**

**Learned counsel for the petitioner shall file an application seeking to implead the HMDA as a party respondent, by the next date of hearing."**

**SD/- K.SHYLESHI  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Principal Secretary, Municipal Administration & Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Municipal Commissioner Jalpally Municipality, Jalpally Ranga Reddy district.
3. The Tahsildar, Balapur Mandal Ranga Reddy district.
4. The Station House officer, Balapur Police Station, Balapur Ranga Reddy district.

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6. Gita Subash Gupt @ Geeta, S.K.Gupta W/o. Subhash Lekhrj Gupta, Occ: Business R/o Plot No. 252, Road No.3, Banjara Hills Hyderabad.
7. Sunaina Sood @ Sunaina Gupta, W/o. Akhilesh Gupta, Occ: House Hold R/o Plot No. 15, Polisetti Enclave, Vikarampuri Secunderabad.
8. Shammik Gupta, S/o. Subhash Lekhrj Gupta, Occ: Business, R/o Plot No. 4, Pentacle, Vivek Singh Lane 61-DB Dulabai Desai Road, Mumbai Maharastra State.
9. Kumud Jammada Dharaiya, S/o. Jammadas Dharaiya, Occ: Business, R/o Minarettee Apartmnts, Dhjarabai Cross Road, Andheri West, Mumbai, Maharastra State (RR 1 to 9 by RPAD along with a copy of petition and affidavit)
10. One CC to Mr. SYED ILIYAS, Advocate [OPUC].
11. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPEMTN, High Court for the State of Telangana at Hyderabad [OUT].
12. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
13. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT].
14. The Registrar (Judicial -I), High Court for the State of Telangana, Hyderabad.
15. Section Officer, WP (Non-Service) Section, High Court for the State of Telangana, Hyderabad.
16. Kadari Ailaiah, S/o. Late Balaiah, Occ: Milk Vendor R/o H.No.2-14, Venkatapuram village Saroornagar Mandal, Ranga Reddy District.
17. One spare copy.

**HIGH COURT**

**AARJ**

**DATED: 19/04/2021**

**POST ON 14.06.2021 ALONG WITH WP NO 9581 OF 2021**

**NOTICE BEFORE ADMISSION**



**WP.No.10060 of 2021**

**DIRECTION**