

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

WEDNESDAY, THE TWENTY FOURTH DAY OF APRIL TWO THOUSAND AND
 NINETEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 8749 OF 2019



Between:

Ch. Venkatesh, S/o. Late Rajalingu.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Municipality, Mancheria, Mancheria District, Rep. by its Commissioner.
3. Dameera Varalu, W/o. Mallaiah, Age. 41 years, Occ. Housewife, R/o. H.No.4-145/2, Janmabhoomi Nagar, Mancheria Town and District.
4. Kandikatla Vijaya Laxmi, W/o. Ramulu, Age. 51 years, Occ. Housewife, R/o. H.No. 12-4/6-1, Gowthaminagar, Mancheria Town and District.
5. Dameera Mallaiah, S/o. Yellaiah, Age. 48 years, Occ. Private Employee, R/o. H.No.4-145/2, Janmabhoomi Nagar, Mancheria Town and District.
6. Ravula Vijaya, W/o. Uppalaiah, Age. 58 years, Occ. Housewife, R/o. H.No. 4-343, Jafar Nagar, Mancheria Town and District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri S SURENDER REDDY 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 a Writ, Order or Direction, more particularly a Writ of Mandamus declaring the action of the respondent no.2 in not taking any action against the illegal construction of Apartment being undertaken by the respondents 3 to 6 in the land in Sy.No. 268, situated at Mancheria shivar, adjacent to government 1TI, Mancheria, Mancheria District without obtaining any permission and without taking permission for conversion of the land into non agriculture, inspite of submitting the representation by the petitioner as illegal, arbitrary, abuse of process of law, contrary to rules and against the provisions of Telangana Municipality Act and consequently direct the 2nd respondent to take appropriate action against the illegal constructions of Apartment being undertaken by the respondents 3 to 6 in the land in Sy.No. 268, situated at Mancheria shivar, adjacent to government ITI, Mancheria, Mancheria District in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri S SURENDER REDDY, 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 Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, The Municipality, Mancheria, Mancheria District.
3. Dameera Varalu, W/o. Mallaiah, Age. 41 years, Occ. Housewife, R/o. H.No.4-145/2, Janmabhoomi Nagar, Mancheria Town and District.
4. Kandikatla Vijaya Laxmi, W/o. Ramulu, Age. 51 years, Occ. Housewife, R/o. H.No. 12-4/6-1, Gowthaminagar, Mancheria Town and District.
5. Dameera Mallaiah, S/o. Yellaiah, Age. 48 years, Occ. Private Employee, R/o. H.No.4-145/2, Janmabhoomi Nagar, Mancheria Town and District.
6. Ravula Vijaya, W/o. Uppalaiah, Age. 58 years, Occ. Housewife, R/o. H.No. 4-343, Jafar Nagar, Mancheria Town and District.

are directed to show cause 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 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 2nd respondent to take appropriate action against the illegal constructions of Apartment being under taken by the respondents 3 to 6 in the land in Sy.No. 268, situated at Mancherial shivar, adjacent to government ITI, Mancherial, Mancherial District by considering the representation submitted by the petitioner on 07.02.2019 in the interest of justice, pending disposal of WP No. 8749 of 2019, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission.

Learned counsel for the petitioner is permitted to take out notice to respondent Nos.3 to 6 by Registered Post with Acknowledgment Due and file proof of service.

As the petitioner asserts that respondent Nos.3 to 6 have already filed a suit against him and it is pending, no interim order at this stage can be passed.

Post after Summer Vacation, 2019.

In the meanwhile, respondent No.2 shall enquire into the matter and file a counter-affidavit with respect to the allegations of the petitioner.

Sd/- B.SATYA VATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, The Municipality, Mancherial, Mancherial District.
3. Dameera Varalu, W/o. Mallaiah, Age. 41 years, Occ. Housewife, R/o. H.No.4-145/2, Janmabhoomi Nagar, Mancherial Town and District.
4. Kandikatla Vijaya Laxmi, W/o. Ramulu, Age. 51 years, Occ. Housewife, R/o. H.No. 12-4/6-1, Gowthaminagar, Mancherial Town and District.
5. Dameera Mallaiah, S/o. Yellaiah, Age. 48 years, Occ. Private Employee, R/o. H.No.4-145/2, Janmabhoomi Nagar, Mancherial Town and District.
6. Ravula Vijaya, W/o. Uppalaiah, Age. 58 years, Occ. Housewife, R/o. H.No. 4-343, Jafar Nagar, Mancherial Town and District. (1 to 6 by RPAD- along with a copy of petition and memorandum of grounds)
7. One CC to SRI S SURENDER REDDY, Advocate [OPUC]
8. Two CCs to GP FOR MCPL ADMN & URBAN DEV (TG), High Court Of Judicature at Hyderabad. [OUT]
9. One spare copy

HIGH COURT

CKR,J

DATED:24/04/2019

POST AFTER SUMMER VACATION, 2019

NOTICE BEFORE ADMISSION

WP.No.8749 of 2019

DIRECTION

