

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE TWENTY FIRST DAY OF JULY TWO THOUSAND AND TWENTY

:PRESENT:
THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

IA No. 1 OF 2020
IN
WP NO: 10716 OF 2020

Between:

1. Smt. D. Syamala Devi, W/o. Sr. D. Ram Babu.
2. Smt. K. Vijaya Kumari, W/o. Sri. K. Venkateswara Rao.
3. Smt. Nanapaneni Suguna Kumari, W/o. Sr. N. Hari Babu.
4. Smt. G. Vijaya Lakshmi, W/o. Sri. G. Shyam Prasad, Aged about 50 years, R/o. Plot No. 935, Vivekananda Nagar Colony, Kukatpally, Hyderabad. Represented through their General Power of Attorney Holder, Sri. G. Shyam Prasad, Managing Partner, J.S. Constructions, aged about 56 years, R/o. 3-3-59/3, Vivekananda Nagar Colony, Near Sumana Hospital, Kukatpally, Hyderabad - 500072.

...Petitioners
(Petitioners in WP 10716 OF 2020
on the file of High Court)

AND

1. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, CC Complex, Tank Budd Road, Hyderabad-500063.
2. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle - 26, Kukatpally Zone, Gajularamaram, Hyderabad.
3. The City Planner/Addl. Chief City Planner, Greater Hyderabad Municipal Corporation, Hyderabad-500063
4. Asst. City Planner, Greater Hyderabad Municipal Corporation, Circle - 26, Kukatpally Zone, Gajularamaram, Hyderabad.
5. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Urban Department Secretariat, Hyderabad.

...Respondents
(Respondents in-do-)

Counsel for the Petitioners : K MAMATA CHOWDARY

Counsel for the Respondent Nos.1 to 4 : Sri Chatla Madhu

Counsel for the Respondent No.5 : GP for Municipal Admn. & Urban Development

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 respondents not to interfere with the ongoing finishing works of the construction being made as per building permit vide permit No. 2/15B/04911 of 2018 dated 19-03-2018 in Plot Nos. 105, 106, 107 and 108 Part in Survey No. 222 of Gajularamaram belonging to the petitioners, pending disposal of WP No. 10716 of 2020, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

As long as the permission granted in favour of the petitioners is intact and not cancelled, without giving notice and calling for their objections, the petitioners cannot be prevented from carrying on the construction work. Further, Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 *prima facie* have no relevancy to the facts of the present case as, essentially, Section 452 can be invoked only when the construction is made in contravention of the provisions of the Act but not handling the private disputes.

In those circumstances, there shall be interim suspension of the impugned notice dated 15.06.2020.

Notice.

SD/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Budd Road, Hyderabad-500063.
2. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle - 26, Kukatpally Zone, Gajularamaram, Hyderabad.
3. The City Planner/Addl. Chief City Planner, Greater Hyderabad Municipal Corporation, Hyderabad-500063
4. Asst. City Planner, Greater Hyderabad Municipal Corporation, Circle - 26, Kukatpally Zone, Gajularamaram, Hyderabad.
5. The Principal Secretary, Municipal Administration Urban Department, State of Telangana, Secretariat, Hyderabad.(1 to 5 By RPAD)
6. One CC to K MAMATA Chowdary, Advocate [OPUC]
7. Two CCs to GP for Municipal Admn. & Urban Development, High Court at Hyderabad. (OUT)
8. One spare copy

mvj

HIGH COURT

CKR,J

DATED:21/07/2020

ORDER

I.A.NO.1 OF 2020
IN
WP.No.10716 of 2020

INTERIM DIRECTION

