



2026:TSHC:3687

[3255]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**WEDNESDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 8813 OF 2026

Between:

Alagani Rajeshwar Goud, S/o Alagani Srihari Goud, Aged 45 years, Occ : Business,
R/o. H.No.1-92, Yenkapally Village, Moinabad Mandal, Ranga Reddy District.

.....PETITIONER

AND

1. THE STATE OF TELANGANA, Rep by its Principal Secretary, Municipal Administration Department, T S Secretariat, Hyderabad.
2. Moinabad Municipality, Rep By its Commissioner, Moinabad, R R Dist.
3. Elgani Krishna Goud, S/o Elgani Srisailam, aged 67 years, Occ. Agrl, R/o H.No 1-94 R/o Yenkapally village , Moinabad Mandal, Ranga Reddy District.
4. Elgani Satyanarayana Goud, S/o Elgani Srisailam, aged 56 years, Occ. Agrl R/o H.No 1-93, R/o Yenkapally village , Moinabad Mandal, Ranga Reddy District.
5. Yelagani Ramesh Goud, S/o Elgani Srisailam, aged 65 years, Occ. Agrl R/o H.No 4-93, R/o Yenkapally village , Moinabad Mandal, Ranga Reddy District.
6. Elgani Ravinder Goud, S/o Elgani Srisailam aged 54 years, Occ. Agrl R/o H.No 1-89, R/o Yenkapally village , Moinabad Mandal, Ranga Reddy District.
7. Yelgani Mahesh Goud, S/o Elgani Srisailam aged 46 years, Occ. Agrl R/o H.No 1-93, R/o Yenkapally village , Moinabad Mandal, Ranga Reddy District.
8. Yelgani Srikanth, S/o Elgani Krishna Goud aged 35 years, Occ. Agrl, R/o H.No 1-94 R/o Yenkapally village , Moinabad Mandal, Ranga Reddy District.

.....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 Official Respondent Nos.1 and 2 in



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not-considering the representations of the Petitioner dated 17.3.2026 to not taking the necessary action against the illegal construction of compound wall constructed by occupying public road situated in between the Sy No 63 and 64 And in between the Plaintiff land In S.No 54/A and 55/A, and others land in S.No 64 part, Yenkapally Village, Moinabad Mandal, Ranga Reddy District leading to others land and to the King's County Lay-out without obtaining any valid lay-out permission in violation of the injunction order dated 2.2.2026 in I A No 59/2026 in O.S.No.30/2026 during the pendency of civil suit in O S No 30/2026 before the Honourable Junior Civil Court, Chevella is illegal arbitrary unconstitutional and violation of Articles 14, 15, 21 and 300A of Constitution of India and also violation of Principles of Natural Justice and consequently direct the Official Respondent Nos.1 and 2 to consider the representation and of the Petitioner dated 17.3.2026 take the necessary action to demolish such illegally construct compound wall on public road without any permission blocking the public road.

I.A.NO:1 OF 2026

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 Official Respondent Nos.1 and 2 to consider the representations of the Petitioner dated 17.3.2026 take the necessary action to demolish such illegally constructing the compound wall without any permission blocking the public road constructed on the public road situated in between the Sy.No.54/A and 55/A, and others land in S.No 64 part, Yenkapally Village, Moinabad Mandal, Ranga Reddy District leading to the King's County Lay-out without obtaining any valid lay-out permission in violation of the injunction order dated 2.2.2026 in I.A.No.59/2026 in O.S.No.30/2026 during the pendency of civil suit in O.S.No.30/2026 before the Honourable Junior Civil Court, Chevella pending the writ petition.

Counsel for the Petitioner : SRI N.PURUSHOTHAM REDDY

Counsel for the Respondent No.1 : GP FOR MCPL ADMN AND URBAN DEVELOPMENT

Counsel for the Respondent No.2 : SRI PUTTA KRISHNA REDDY

Counsel for the Respondent Nos.3 to 8 : --

The Court made the following ORDER



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

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.8813 of 2026

DATE OF ORDER: 25.03.2026

Between:

Alagani Rajeshwar Goud, S/o. Alagani Srihari Goud

...Petitioner

AND

**The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
TS Secretariat, Hyderabad & 7 others**

...Respondents

ORDER:

This writ petition is filed questioning the action of respondent Nos.1 and 2 in not considering the petitioner's representation dated 17.03.2026 requesting to take the necessary action against the illegal construction of compound wall constructed by occupying public road situated in between Survey Nos.63 and 64 and in between the petitioner's land in Survey Nos.54/A and 55/A and others land in Survey No.64 part situated in Yenkapally Village, Moinabad Mandal, Rangareddy District leading to others land and to the King's County Layout without obtaining any valid layout permission in violation of the injunction order dated 02.02.2026 in I.A.No.59 of 2026 in

O.S.No.30 of 2026 during the pendency of O.S.No.30 of 2026 on the file of learned Junior Civil Judge, Chevella. A consequential prayer is sought to direct respondent Nos.1 and 2 to consider the petitioner's representation dated 17.03.2026 by taking the necessary action to demolish such illegally constructed compound wall on public road without any permission blocking the public road.

2. Brief facts of the case as stated are that the petitioner is in possession of ancestral agricultural lands in Survey Nos.54/A and 55/A situated at Yankapally, Moinabad Mandal, Rangareddy District. It is submitted that the respondent Nos.3 to 8 are also having lands in Survey Nos.54 and 55 after and behind petitioner's lands in Survey No.63. It is further submitted that the respondent Nos.3 to 8 were illegally trying to construct a precast compound wall without obtaining any permission in between the road and the petitioner's lands. Aggrieved by the action of unofficial respondents, the petitioner filed a suit by name O.S.No.30 of 2026 on the file of learned Junior Civil Judge, Chevella seeking easement rights and permanent injunction and obtained ad interim injunction order on 02.02.2026. However, violating the injunction order dated 02.02.2026, the respondent Nos.3 to 8 without obtaining permission from the Municipal Authorities started construction of a precast compound wall on the public road. Aggrieved thereby, the petitioner made a representation to respondent No.2 - Commissioner, Moinabad Municipality requesting to take necessary action on the illegal



construction being undertaken by unofficial respondent Nos.3 to 8. But till date, no action has been initiated on the petitioner's representation. As such, the present writ petition is filed.

3. Learned counsel for the petitioner draws attention of this Court to the injunction order dated 02.02.2026 passed by the learned Junior Civil Judge, Chevella, wherein the trial court has specifically directed not to construct any compound wall.

4. Learned counsel for the petitioner submits that since petitioner's representation dated 17.03.2026 is still pending for consideration, the respondent No.2 may be directed to consider the same and take action in a time bound period.

5. Mr. P.Krishna Reddy, learned Standing Counsel for Municipality appearing for respondent No.2 would submit that though the issue pertains to inter se dispute for the purpose of construction of compound wall, permission is required from the Municipal Authorities. However, if the petitioner's representation dated 17.03.2026 is still pending for consideration, the respondent No.2 would consider the same and take appropriate action strictly in accordance with law and prays to pass appropriate orders.

6. Heard learned counsel for the petitioner and learned Standing Counsel appearing for respondent No.2.



7. Since this Court, time and again, directed the Municipal Authorities to initiate action against the illegal constructions by following due process of law, it is noticed that the authorities are failing to initiate action against the illegal constructions. However, in some of the cases, authorities are issuing statutory notices and thereafter not proceeding further to initiate further course of action unless writ petitions are filed for not considering complaints/ representations made to civic authorities.

8. It is not out of place to mention Section 7(6) of the Telangana State Building Permission Approval and Self Certification System (TS-bPASS) Act, 2020 (for short 'the TS-bPASS Act') and Section 174(5) of the Telangana Municipalities Act, 2019 encourages citizens to put on notice to the Civic Authorities regarding unauthorized constructions. Section 7(6) of the TS-bPASS Act is extracted for reference.

"7. Approval of Building Permissions-

....

(6) Citizens shall be encouraged to bring to the notice of Municipality and District Collector cases where unauthorized construction or construction in violation of or in excess of permissions, in the manner prescribed. The identity of such informers shall be kept confidential. All such cases shall be examined within a week from such information and appropriate action initiated. The information shall be incentivized in all such cases where the



information, furnished by him is found to be correct.”

Section 174(5) of the Telangana Municipalities Act, 2019 is extracted for reference:

“174. Approval of Building Permissions –

...

(5) Citizens shall be encouraged to bring to the notice of Municipality and District Collector, cases where unauthorized construction or construction in violation of or in excess of permissions, in a manner prescribed. The identity of such informers shall be kept confidential. All such cases shall be examined within a week from such information and appropriate action initiated. The informant shall be incentivized in all such cases where the information furnished by him is found to be correct.”

9. The Hon’ble Supreme Court in **Shanti Sports Club and Ors. Vs. Union of India (UOI) and Ors¹**, held that violators of the Town Planning Scheme cannot be granted any relief. The relevant observations are as under:

“52. Before concluding, we consider it necessary to enter a caveat. In all developed countries, great emphasis has been laid on the planned development of cities and urban areas. The object of planned development has been achieved by rigorous enforcement of master plans prepared after careful study of complex issues, scientific

¹ ((2009) 15 SCC 705)



research and rationalisation of laws. The people of those countries have greatly contributed to the concept of planned development of cities by strictly adhering to the planning laws, the master plan etc. They respect the laws enacted by the legislature for regulating planned development of the cities and seldom there is a complaint of violation of master plan etc. in the construction of buildings, residential, institutional or commercial.

In contrast, scenario in the developing countries like ours is substantially different. Though, the competent legislatures have, from time to time, enacted laws for ensuring planned development of the cities and urban areas, enforcement thereof has been extremely poor and the people have violated the master plans, zoning plans and building regulations and bye-laws with impunity. In last four decades, almost all cities, big or small, have seen unplanned growth. In the 21st century, the menace of illegal and unauthorized constructions and encroachments has acquired monstrous proportions and everyone has been paying heavy price for the same. Economically affluent people and those having support of the political and executive apparatus of the State have constructed buildings, commercial complexes, multiplexes, malls etc. in blatant violation of the municipal and town planning laws, master plans, zonal development plans and even the sanctioned building plans. In most of the cases of illegal or unauthorized constructions, the officers of the municipal and other regulatory bodies turn blind eye either due to the influence of higher functionaries of the State or other extraneous reasons. Those who construct buildings in violation of the relevant statutory provisions, master plan etc. and those who directly or indirectly abet such violations are totally unmindful of the grave



consequences of their actions and/or omissions on the present as well as future generations of the country which will be forced to live in unplanned cities and urban areas. The people belonging to this class do not realize that the constructions made in violation of the relevant laws, master plan or zonal development plan or sanctioned building plan or the building is used for a purpose other than the one specified in the relevant statute or the master plan etc., such constructions put unbearable burden on the public facilities/amenities like water, electricity, sewerage etc. apart from creating chaos on the roads. The pollution caused due to traffic congestion affects the health of the road users. The pedestrians and people belonging to weaker sections of the society, who cannot afford the luxury of air- conditioned cars, are the worst victims of pollution. They suffer from skin diseases of different types, asthma, allergies and even more dreaded diseases like cancer. It can only be a matter of imagination how much the government has to spend on the treatment of such persons and also for controlling pollution and adverse impact on the environment due to traffic congestion on the roads and chaotic conditions created due to illegal and unauthorized constructions. This Court has, from time to time, taken cognizance of buildings constructed in violation of municipal and other laws and emphasized that no compromise should be made with the town planning scheme and no relief should be given to the violator of the town planning scheme etc. on the ground that he has spent substantial amount on construction of the buildings etc. - K. Ramdas Shenoy v. Chief Officers, Town Municipal Council, Udipi 1974 (2) SCC 506, Dr. G.N. Khajuria v. Delhi Development Authority 1995 (5) SCC 762, M.I.

Builders Pvt. Ltd. v. Radhey Shyam Sahu 1999 (6) SCC 464, Friends Colony Development Committee v. State of Orissa 2004 (8) SCC 733, M.C. Mehta v. Union of India 2006 (3) SCC 399 and S.N. Chandrasekhar v. State of Karnataka 2006 (3) SCC 208.

53. Unfortunately, despite repeated judgments by the this Court and High Courts, the builders and other affluent people engaged in the construction activities, who have, over the years shown scant respect for regulatory mechanism envisaged in the municipal and other similar laws, as also the master plans, zonal development plans, sanctioned plans etc., have received encouragement and support from the State apparatus. As and when the courts have passed orders or the officers of local and other bodies have taken action for ensuring rigorous compliance of laws relating to planned development of the cities and urban areas and issued directions for demolition of the illegal/unauthorized constructions, those in power have come forward to protect the wrong doers either by issuing administrative orders or enacting laws for regularization of illegal and unauthorized constructions in the name of compassion and hardship. Such actions have done irreparable harm to the concept of planned development of the cities and urban areas. *It is high time that the executive and political apparatus of the State take serious view of the menace of illegal and unauthorized constructions and stop their support to the lobbies of affluent class of builders and others, else even the rural areas of the country will soon witness similar chaotic conditions. ” (Emphasis supplied).*



22. Further, the Hon'ble Supreme Court in **Esha Ekta Apartments Co-operative Housing Society Ltd. and Ors. Vs. Municipal Corporation of Mumbai and Ors** (2013) 5 SCC 357, held that Constitutional Courts ought not to exercise their equitable jurisdiction to regularize illegal and unauthorized constructions. The relevant observations are as under:

"45. In view of the above discussion, we hold that the Petitioners in the transferred case have failed to make out a case for directing the Respondents to regularize the construction made in violation of the sanctioned plan. Rather, the ratio of the above-noted judgments and, in particular, Royal Paradise Hotel (P) Ltd. v. State of Haryana and Ors. (supra) is clearly attracted in the present case. We would like to reiterate that no authority administering municipal laws and other similar laws can encourage violation of the sanctioned plan. The Courts are also expected to refrain from exercising equitable jurisdiction for regularization of illegal and unauthorized constructions else it would encourage violators of the planning laws and destroy the very idea and concept of planned development of urban as well as rural areas."
(emphasis supplied)"

10. It is also relevant to refer to the orders passed by the Hon'ble Supreme Court in **Writ Petition (Civil) No.295 of 2022 (2024 INSC 866) (Bulldozer's Case)**, wherein the Hon'ble Supreme Court gave certain directions and guidelines to the Government for manner of proceeding in demolition of the unauthorized construction.

11. Since the provisions of the Telangana Municipalities Act, 2019 and GHMC Act, 1955 mandates issuance of notice to the person concerned and the civic authorities are empowered to examine and decide the issue with respect to unauthorized constructions, by issuing notice to the concerned parties, the respondent authorities are directed to issue notice to the concerned parties and pass appropriate orders strictly in accordance with law. As such, in the present case, issuance of notice to respondent Nos.3 to 8 is dispensed with.

12. Having considered the above facts and circumstance, recording the submission made by the learned counsel appearing on either side, without expressing any opinion on the merits of the case and after considering judicial precedents referred to hereinabove, this Court deems it appropriate to dispose of the writ petition directing respondent No.2 to consider the petitioner's representation dated 17.03.2026 and after giving fair opportunity of hearing to petitioner and respondent Nos.3 to 8 and after verifying the sanctioned plan and other relevant documents, shall pass appropriate orders strictly in accordance with law, as expeditiously as possible, preferably, within a period of four (04) weeks, from the date of receipt of a copy of this order and communicate the same to the petitioner. It is made clear that if the allegations made by the petitioner are found to be true, the respondent authorities shall take appropriate action strictly in accordance with law.



13. It is also clarified that in the event of respondent Nos.3 to 8 are otherwise aggrieved may avail remedy of filing application for the modification of this order, in accordance with law.

14. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications if any pending in this petition, shall stand closed.

//TRUE COPY//

SD/-P.PONNA KRISHNA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration Department, T S Secretariat, State of Telangana at Hyderabad.
2. The Commissioner, Moinabad Municipality, Moinabad, R R Dist.
3. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI N.PURUSHOTHAM REDDY, Advocate [OPUC]
5. One CC to SRI PUTTA KRISHNA REDDY, Advocate (OPUC)
6. Two CD Copies

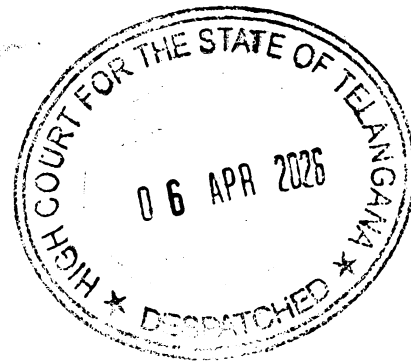
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GJP



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HIGH COURT

DATED:25/03/2026



ORDER

WP.No.8813 of 2026

**DISPOSING OF THE W.P
WITHOUT COSTS.**

(9) NT
6/4/26.