

**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: 8838 OF 2026

Between:

Erukulla Gangamani, W/o. Late Anjaneyulu, Age 81 years, Occ. Agriculture,
R/o H.No.3-4-35, Near Head Post Office, Sircilla Town and Rajanna Sircilla
District

...PETITIONER

AND

1. The State of Telangana, Rep.by its Principal Secretary Municipal Administration and Urban Development (MA and UD) Secretariat, Hyderabad
2. The Commissioner and Director of Municipal Administration Dept, 640, AC Guards, MasabTank, Opp . PTI Building, Hyderabad 500 004.
3. The District Collector, Rajanna Sircilla District, Telangana State
4. The Tahsildar, Sircilla Town and Mandal, Rajanna Sircilla District
5. The Assistant Director, Survey and Land Records, Rajanna Sircilla District ,
6. The Municipal Council, Sircilla Rep by it's Commissioner, Sircilla Town and Mandal, Rajanna Sircilla District
7. Samala @ Vemula Rachana, W/o. Srikanth, aged 30 years, Occ. House Wife, R/o.H.No.8-60, Rajiv Nagar, Mushtipelli, Sircilla Town and Mandal, Rajanna Sircilla Dist
8. Vemula Srikanth, S/o. Satish, aged 33 years, Occ. Business, R/o.H.No.8-60, Rajiv Nagar, Mushtipelli, Sircilla Town and Mandal, Rajanna Sircilla Dist.

....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

1). Issue an appropriate writ, order or direction, more particularly one in the nature of a Writ of Mandamus, declaring the inaction and failure of Respondent

Nos.3 and 6 in not taking action against unofficial Respondent Nos.7 and 8 for carrying out illegal, unauthorized and unpermitted construction in Petitioners property in Sy.No.123 to an extent of Ac.3-32 Gts. situated at Mushtipalli village presently merged in Sircilla Municipality of Sircilla Town and Mandal of Rajanna Sircilla Dist., as illegal, arbitrary, mala fide and violative of Articles 14 and 21 of the Constitution of India

2) To direct Respondent Nos.3 and 6 to forthwith initiate appropriate statutory action, including demolition/removal of the illegal construction, in accordance with law as contemplated under the provisions of Telangana Municipalities Act, 2019 in pursuant to the notice vide No.G1/1435/2025 dated 22-12-2025 of the Respondent No.6

3) To direct Respondent No.3 to cancel the proceedings vide No.1411/RSLA/Indiramma_Indlu/2025/23/Indiramma Indlu/2025 dated 22-05-2025 issued in favour of unofficial Respondent No.7, on account of violation of the conditions and misuse of the benefits granted thereunder

4). To direct the Respondent No.3 and 4 to consider and dispose of the representation made by the Petitioner dated 19-12-2025 accordance with law.

5). To direct the Respondent No.6 to consider and dispose of the Petitioner's representations dated 23-1-2025 and 19-08-2025 by invoking Telangana Municipalities Act, 2019.

Counsel for the Petitioner: SRI ANNNAMPELLI GANGADHAR

Counsel for the Respondent No.1 & 2: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.3 to 5: GP FOR REVENUE

Counsel for the Respondent No.6: SRI P.KRISHNA REDDY, SC FOR MCPL

The Court made the following: ORDER

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

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.8838 of 2026

DATE OF ORDER: 25.03.2026

Between:

Erukulla Gangamani, W/o. Late Anjaneyulu

...Petitioner

AND

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

...Respondents

ORDER:

This writ petition is filed questioning the action of respondent Nos.3 and 6 in not taking action against unofficial respondent Nos.7 and 8 for carrying out illegal and unauthorized construction in petitioner's property in Survey No.123 to an extent of Ac.3-32 guntas situated at Mushtipalli Village of Sircilla Town & Mandal of Rajanna Sircilla District (hereinafter referred as "subject property"). A consequential prayer is sought to direct respondent Nos.3 and 6 to forthwith initiate appropriate statutory action including demolition / removal of the illegal construction, in accordance with law as contemplated under the provisions of Telangana Municipalities Act,

2019 pursuant to the notice *vide* No.G1/1435/2025, dated 22.12.2025 issued by respondent No.6, further to direct respondent Nos.3 and 6 to cancel the proceedings *vide* No.1411/RSLA/Indiramma_Indlu/2025/23/Indiramma Indlu/2025, dated 22.05.2025 issued in favor of unofficial respondent No.7 and to direct respondent Nos.3 and 4 to consider the petitioner's representation dated 19.12.2025 and to direct respondent No.6 to consider & dispose of the petitioner's representations dated 23.01.2025 and 19.08.2025.

2. Brief facts of the case as stated are the petitioner claims to be the absolute owner and possessor of the subject property by way of devolution. It is submitted that the petitioner's name was recorded in the revenue records, title deed and patta passbook were issued in favor of the petitioner.

3. The main grievance of the petitioner is that the unofficial respondent Nos.7 and 8 trespassed into the petitioner's property and had undertaken certain illegal and unauthorized constructions. Aggrieved by the action of respondent Nos.7 and 8, the petitioner made various representations to respondent authorities to take necessary action against respondent Nos.7 and 8. Though the representations were submitted to respondent authorities, no action has been initiated. As such, the present writ petition is filed.

4. Learned counsel for the petitioner submits that since petitioner's aforesaid representations are still pending for consideration, the respondent authorities may be directed to consider the same and take action in a time bound period.

5. Mr. P.Krishna Reddy, learned Standing Counsel appearing for respondent No.6 on instructions of Commissioner, Sircilla Municipality, would submit that based on the petitioner's representation dated 19.08.2025 and on verifying the report obtained from respondent No.4 - Tahsildar, Sircilla District, a show cause notice was already issued to respondent Nos.7 and 8 on 20.03.2026 and further course of action would be initiated in due course of time and prays this Court to pass appropriate orders.

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

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') 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."

9. The Hon'ble Supreme Court in **Shanti Sports Club and Ors. Vs. Union of India (UOI) and Ors**¹, 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

¹ ((2009) 15 SCC 705)

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 research and rationalization 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. As such, in the present case, issuance of notice to respondent Nos.7 and 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 and since the respondent authorities have already initiated action by issuing show cause notice to respondent Nos.7 and 8 on 20.03.2026, this Court deems it appropriate to dispose of the writ petition directing respondent authorities to take further course of action after giving fair opportunity of hearing to petitioner and respondent Nos.7 and 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.5 to 7 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.

SD/-P.PONNA KRISHNA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary Municipal Administration and Urban Development (MA and UD) Secretariat, Hyderabad, State of Telangana.
2. The Commissioner and Director of Municipal Administration Dept, 640, AC Guards, MasabTank, Opp. PTI Building, Hyderabad 500 004.
3. The District Collector, Rajanna Sircilla District, Telangana State
4. The Tahsildar, Sircilla Town and Mandal, Rajanna Sircilla District
5. The Assistant Director, Survey and Land Records, Rajanna Sircilla District ,
6. The Commissioner, Municipal Council, Sircilla Sircilla Town and Mandal, Rajanna Sircilla District
7. One CC to SRI ANNNAMPELLI GANGADHAR, Advocate [OPUC]
8. One CC to SRI P.KRISHNA REDDY, SC FOR MCPL [OPUC]
9. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, at Hyderabad [OUT]
10. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
11. Two CD Copies

BSR

TKS

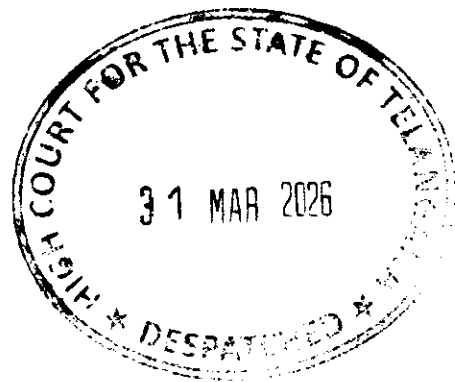
Jks

HIGH COURT

DATED: 25/03/2026

ORDER

WP.No.8838 of 2026



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

(15) JKS
31/3/26.