

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

**WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 38977 OF 2015

Between:

J. Narsimha, S/o Late Augiah aged about 70 years, Occ Retd Employee R/o.
H.no. 10-165/6, Satya Raghavendra Colony, Malkajgiri, RR Dist

...PETITIONER

AND

1. The State of Telangana, Rep. by Pri. Secretary, Municipal Administration
Department, Secretariat, Hyderabad
2. The Deputy Commissioner, GHMC, Malkajgiri Circle, RR District
3. Sandhya, W/o Prakash, A/a. 58 yrs, Occ House wife, Owners of H.No. 10-
165/3/1 Satya Raghavendra Colony, Malkajgiri, RR District.
4. Prakash, S/o Unknown, A/a. 62 yrs, Occ Retd Employee, R/o. 10-165/3/1
Satya Raghavendra Colony, Malkajgiri, RR 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 Issue Writ, or direction more particularly in the nature of WRIT OF MANDAMUS, to take appropriate legal action by directing the respondent No.2 to look into this petitioner representation and to demolish the illegal construction carried out by the respondent No.3 and 4 encroached into this petitioner property bearing H.no. 10-165/6, Satya Raghavendra Colony, Malkajgiri, RR Dist.

IA NO: 1 OF 2024

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 expedite the hearing of the Writ Petition No. 38977 of 2015.

Counsel for the Petitioner: SRI M. RATHAN SINGH

**Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION &
URBAN DEVELOPMENT**

Counsel for the Respondent No.2: SRI G. MADHUSUDHAN REDDY, SC FOR GHMC

Counsel for the Respondent No.3 & 4: SRI CMR VELU

The Court made the following: ORDER

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.38977 of 2015

DATE OF ORDER: 03.12.2025

BETWEEN:

J.Narasimha

... Petitioner

AND

The State of Telangana
Rep. by Prl.Secretary and 3 others.

... Respondents

:ORDER:

This writ petition is filed seeking direction to respondent No.2 to consider the representations dated 20.11.2014 and 12.12.2014 submitted by the petitioner and to take appropriate action for demolition of illegal constructions made by respondent Nos.3 and 4 who have encroached upon the property belonging to the petitioner, and for consequential relief.

2. Heard Sri M.Rathan Singh, learned counsel for the petitioner, Sri G.Madhusudhan Reddy, learned Standing Counsel for respondent No.2 and Sri CMR.Velu, learned counsel for respondent Nos.3 and 3.

3. Learned counsel for the petitioner represented that he is owner of House bearing No.10-165/6, Satya Raghavendra Colony, Malkajgiri, R.R.District; that the respondent Nos.3 and 4 who are neighbors of the petitioner have commenced illegal construction and have encroached about 5 yards into the petitioner's property by extending a beam (cantilever beam) into the petitioner's premises, without obtaining any permission. Therefore, the petitioner submitted representations on 20.11.2014 and 12.12.2014 to respondent No.2 to take action against respondent Nos.3 and 4. However, the respondents did not take any action. Aggrieved by the same, present writ petition is filed.

4. Learned counsel for respondent Nos.3 and 4 represent that the respondent Nos.3 and 4 have not encroached upon the petitioner's property; and that the writ petition has been filed merely on an apprehension.

5. Learned Standing Counsel for respondent No.2 by referring to the counter represent that the respondent No.3 has submitted application vide application No.2000018529, dated 19.12.2015 in terms of G.O.Ms.No.152 MA dated 02.11.2015; and that the said application is pending.

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6. Learned Standing Counsel for respondent No.2 further submits that as and when the BRS application of respondent No.3 is disposed of, the respondent-Corporation will take further course of action basing on the outcome of the BRS application of respondent No.3.

7. This Court has given its earnest consideration to the submissions made by learned counsel for both the parties and perused the entire material on record.

8. It is relevant to note that the Government of Telangana has formulated Rules for regularization of unauthorized/illegal constructions, which are constructed in deviation of sanctioned plan or without permission, vide GO.Ms.No.152, dated 02.11.2015. As per the said G.O., the application for regularization of unauthorized construction has to be submitted within a period of 60 days from the date of notification of the said Rules along with 50% of regularization amount as per Rule 5 or minimum of Rs.10,000/- whichever is less. The competent authority, i.e., Municipal Commissioner in case of Municipal Corporations, Metropolitan Commissioner in case of HMDA, shall, on scrutiny of applications and inspection of sites, either

approve or reject the applications and communicate the same to the applicant(s) concerned as early as possible, but not beyond six months from the date of receipt of applications.

9. The Regularization Rules were notified on 02.11.2015, as per which, applications for regularization were to be filed within 60 days from the said notified date and the same were supposed to be processed within a period of six months from the last date of receipt of applications

10. The regularization scheme under G.O.Ms No.152, dated 02.11.2015 was challenged in WP (PIL).No.63 of 2016, wherein interim directions were passed by a Division Bench of this Court on 18.10.2016 as under:-

"We consider it appropriate, in such circumstances, to modify the earlier order, and direct that the applications for regularization be processed in accordance with the regularization scheme notified in G.O.Ms.No.152 dated 02.11.2015. In case the GHMC or the other Municipal Corporations in the State of Telangana, after considering the applications for regularization, decide to reject the request for regularization, it is open to them to communicate the orders of rejection to the applicants concerned, and thereafter take action for demolition of the illegal

structures in accordance with law. In such of those cases where the GHMC, or the other Municipal Corporations, tentatively decide to regularize the illegal structures, such a decision shall merely be recorded in the file, and shall neither be given effect to nor shall it be communicated to the applicants, pending further orders from this Court."

11. Subsequently, the said WP(PIL) along with a batch of Writ Petitions was disposed of vide order, dated 28.04.2021, with a direction that the interim order dated 18.10.2016 passed in W.P.(PIL).No.63 of 2016 shall continue to operate till a decision is taken by the Supreme Court on W.P.(Civil) No.1236 of 2020.

12. It is appropriate to refer to the recent judgment of the Hon'ble Supreme Court in ***Rajendra Kumar Barjatya and another Vs. U.P. Avas Evam Vikas Parishad and others***¹, wherein the Hon'ble Supreme Court by referring to a catena of decisions, viz., ***K.Ramadas Shenoy Vs. Chief Officers, Town Municipal Council***², ***Dr. G.N.Khajuria and others Vs. Delhi Development Authority and others***³, ***M.I. Builders (Petitioner) Ltd Vs. Radhey Shyam Sahu***⁴, ***Esha Ekta***

¹ 2024 SCC Online SC 3767

² (1974) 2 SCC 506

³ (1995) 5 SCC 762

⁴ (1999) 6 SCC 464

Apartments Co-Op Housing Society Limited Vs. Municipal Corporation of Mumbai⁵, Supertech Limited Vs. Emerald Court Owner Resident Welfare Association and others⁶, Kerala State Coastal Zone Management Authority Vs. Maradu Municipality⁷, State of Haryana Vs Satpal⁸, has issued further directions in addition to the directions given in ***Re: Directions in the matter of demolition of structures***, vide order dated 13.11.2024 in WP(Civil).Nos.295 and 328 of 2023, WP(Criminal).No.162 of 2022. The Hon'ble Supreme Court has specifically directed that in the event of any application/appeal/revision being filed by the owner or builder against non-issuance of completion certificate or for regularization of unauthorized construction or rectification of deviation, etc., the same shall be disposed of by the authority concerned, including the pending appeals/revisions, as expeditiously as possible, in any event not later than 90 days as statutorily provided.

13. In the instant case, since the grievance of the petitioner remains unredressed due to the pendency of the BRS

⁵ (2013) 3 SCC (Civil) 89

⁶ (2021) 10 SCC 1

⁷ (2021) 16 SCC 822

⁸ (2023) 6 SCC 643

application of respondent No.3, in the light of the aforesaid order dated 28.04.2021 passed by a Division Bench of this Court in WP(PIL) No.63 of 2013 and its batch, as well as the directions issued by the Hon'ble Supreme Court in *Rajendra Kumar Barjatya's case* (cited supra), the respondent No.2 (GHMC) is directed to process the application submitted by respondent No.3 for regularization of unauthorized/illegal construction, and to pass appropriate orders in accordance with the interim order dated 18.06.2016 passed in WP(PIL) No.63 of 2016, within a period of three months from the date of receipt of a copy of this order. Subject to result of the BRS application filed by respondent No.3, the respondent No.2 is directed to take appropriate action to redress the petitioner's grievance strictly in accordance with law.

14. Subject to above directions and observations, the writ petition is disposed of. There shall be no order as to costs.

//TRUE COPY//

Sd/- P. PONNA KRISHNA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Prl. Secretary, Municipal Administration & Urban Development, The State of Telangana, Secretariat, Hyderabad
2. The Deputy Commissioner, GHMC, Malkajgiri Circle, RR District
3. One CC to SRI M. RATHAN SINGH, Advocate [OPUC]
4. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
5. One CC to SRI G. MADHUSUDHAN REDDY, S.C. for GHMC) [OPUC]
6. One CC to SRI CMR VELU, Advocate [OPUC]
7. Two CD Copies

BN
MP



HIGH COURT

DATED:03/12/2025

ORDER

WP.No.38977 of 2015



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(10) MT
6/12/25