

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

THURSDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND NINETEEN

**:PRESENT:
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT PETITION NO: 26445 OF 2019

Between:

Md. Omer, S/o. Md. Rafi,

....Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary, (Municipal Administration & Urban Development Department), Secretariat, Hyderabad.
2. The Municipal Commissioner, Makthal Municipality, Makthal, Narayanpet 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 demolition Notice No.MC/2019 dated 23/11/2019, issued by the Commissioner, Makthal Municipality, Makthal, Narayanpet District, Respondent No.2 herein directing the writ petitioner to remove by demolition of the construction in the plot adjacent to H.P. Gas Company, in Sy. No.4, Makthal, Narayanpet District as arbitrary, illegal, unjust, discriminatory, contrary to law, opposed to the principles of natural justice, apart from being violative of Articles 14, 19, 21 and 300- A of Constitution of India and contrary to the provisions of the Municipalities Act and consequently set aside the same in the interest of justice.

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 Respondents not to demolish the concrete pillars in the Petitioners site admeasuring 208.32 square yards adjacent to H.P. Gas Company, in Sy. No.4, Makthal, Narayanpet District in the interest of justice, pending disposal of the above WP.No.26445 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s SIVALENKA ASSOCIATES Advocate for the Petitioner and GP for Municipal Administration (TG) for Respondent No.1 and Sri.N.Praveen Kumar, standing counsel for Respondent No.2, the Court made the following.

ORDER

Heard learned counsel for petitioner.

Sri.N.Praveen Kumar, learned standing counsel takes notice for 2nd respondent submits that the petitioner was informed about short falls in his building application.

Learned counsel for petitioner submits that they have complied with the same.

Learned standing counsel seeks time to get instructions.

Post after one week in motion list.

Meanwhile there shall be stay of demolition. However, petitioner shall not make any further construction. If petitioner proceeds with further construction, it is open for the respondents to take action for stopping the same.

Sd/- B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, (Municipal Administration & Urban Development Department), State of Telangana, Secretariat, Hyderabad.
2. The Municipal Commissioner, Makthal Municipality, Makthal, Narayanpet District. (RR-1&2 by RPAD)
3. Two CCs to the GP for Municipal Administration (TG), High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to M/s SIVALENKA ASSOCIATES Advocate [OPUC]
5. One spare copy

HIGH COURT

ARR,J

DATED: 28.11.2019

NOTE: POST AFTER ONE WEEK
IN MOTION LIST

WP.NO.26445 OF 2019

STAY DEMOLITION

