

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

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT PETITION NO: 20127 OF 2013

Between:

1. Smt. P. Hema, W/o Sri P. Manohar Reddy, aged about 53 years, R/o Excise Colony, Subedari, Hanamkonda, Warangal, Warangal District-506 001.
2. Smt. P. Soumya, D/o Sri P. Manohar Reddy, aged about 33 years, R/o. 2-7-257, Excise Colony, Subedari, Hanamkonda, Warangal, Warangal District - 506 001. represented by GPA Smt. P. Hema.

...PETITIONERS

AND

1. Kakatiya Urban Development Authority, Warangal, represented by Vice Chairman and Managing Director, Warangal, Warangal District.
2. Warangal Municipal Corporation, Warangal, represented by its Commissioner.

...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 direct the 1st respondent herein to consider realignment of the road development plan pursuant to the recommendations of the Deputy City Planner of the 2nd respondent corporation or in the alternative pay compensation to the petitioner to the land of an extent of 189.57 sq. meters of which the petitioners have been deprived and further direct the respondents herein to take action against the illegal constructions on the road portion as per the realigned road development plan of Kanakadurga colony by taking action against the illegal encroachments into the road portion by issuing by issuing a writ, order or direction more particularly one in the nature of writ of mandamus and pass such other order or orders as this Hon'ble Court deems fit and proper, as otherwise the petitioners herein will suffer irreparable loss and injury.

I.A. NO: 1 OF 2013(WPMP. NO: 24689 OF 2013)

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 1st respondent herein to consider the recommendations of the Deputy City Planner of the 2nd respondent municipal corporation for realignment of the road development plan or in the alternative for payment of compensation to the petitioners herein by initiating proceedings under Land Acquisition Act 1984, pending disposal of the above writ petition.

I.A. NO: 2 OF 2013(WPMP. NO: 24690 OF 2013)

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 herein to take action against illegal encroachments into the road area with reference to realigned road development plan of Kanakadurga colony, Warangal town, pending disposal of the above writ petition.

**Counsel for the Petitioner: SRI RAJA SRIPATHI RAO PANL GOTI,
Sr. COUNSEL, REP. FOR
SRI UDAY KUMAR KUKKADAPU**

Counsel for the Respondent No.1: SRI MIRZA SAFIULLA BAIG

**Counsel for the Respondent No.2: Ms. MAHEE GONE, REP. FOR
SRI PASHAM MOHITH, SEC FOR WMC**

The Court made the following: ORDER

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

THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT PETITION No.20127 OF 2013

Date: 05.12.2025

Between:

Smt. P.Hema and another.

...Petitioners

AND

Kakatiya Urban Development
Authority, Warangal rep. by its Vice
Chairman and Managing Director,
Warangal District & another.

...Respondents

ORDER:

This writ petition is filed seeking to direct respondent No.1 to consider the realignment of the road development plan pursuant to the recommendations of the Deputy City Planner of respondent No.2-Corporation or in the alternative pay compensation to the land of an extent of 189.57 Square Metres of which the petitioners have been deprived and further direct the respondents to take action against the illegal constructions on the road portion as per

the realigned road development plan of Hanakadurga colony by taking action against the illegal encroachments into the road portion.

2. Heard Mr. Raja Sripathi Rao Panugoti, learned Senior Counsel representing Mr. Uday Kumar Kukkadapu, learned counsel appearing for the petitioners and Ms. Mahee Gone, learned counsel representing Mr. Pasham Mohith, learned Standing Counsel for Warangal Municipal Corporation, appearing for respondent No.2. Perused the material available on record

3. On 28.11.2025, this Court has directed respondent No.2 to file appropriate instructions as to the action taken in the matter.

4. Today, when the matter is taken up for hearing, learned counsel for respondent No.2 has placed a copy of written instructions under the signature of respondent No.2, wherein it is stated that initially, the petitioners have obtained building permission, dated 02.12.2021 for the

construction of a Stilt + 5 floors residential apartment building by removing the existing house bearing No.2-7-1165, Hanamkonda and thereafter, the petitioners have filed a revised building application showing the road affected portion of their land and seeking the benefit of setback relaxation for the areas affected for the road widening and in consideration of their building permit was granted and the petitioners have completed their construction and obtained the Occupancy Certificate *vide* proceedings No.0010/OC/3006/2025, dated 20.02.2025, and that since the petitioners have availed benefits of setback relaxation in lieu of the land stated to be affected in the road widening, he asserts that the petitioners have already been compensated in terms of setback relaxation.

5. At this juncture, learned Senior Counsel submitted that in the written instructions, what is the actual portion of the land, which is being affected in the road widening, is not stated. He further submitted that the petitioners

should be adequately compensated for the land taken by respondent No.2.

6. Learned Senior Counsel further contended that though the benefit of relaxation of setbacks has been granted while according building permission, it is not in proportion to the extent of land which has been taken for road widening. He further contended that an appropriate and detailed clarification is required as to how much land of the petitioners was acquired by respondent No.2 for road widening and the entitlement of TDR certificate or any other benefit in terms of G.O.Ms.No 168, dated 07.04.2012.

7. In view of the above submissions made by the learned counsel for the Writ Petitioner, the main grievance of the petitioner is that though set-backs relaxation is granted, it is not in proportion to the land affected by road widening and in such circumstances, this Writ Petition is disposed of directing the petitioner to file a detailed representation before the respondents as to their entitlement of

proportionate value either for TDR or any other monetary compensation in lieu of the land affected by road widening within a period of two (02) weeks from the date of receipt of a copy of this order and on such representation being made, the respondents shall necessarily consider dispose it of within a period of six (06) weeks from the date of receipt of the said representation, in accordance with law.

No order as to costs.

8. Pending miscellaneous applications, if any, in this writ petition shall also stand closed.

**SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Vice Chairman and Managing Director, Kakatiya Urban Development Authority, Warangal, Warangal, Warangal District.
2. The Commissioner, Warangal Municipal Corporation, Warangal.
3. One CC to SRI UDAY KUMAR KUKKADAPU, Advocate [OPUC]
4. One CC to SRI MIRZA SAFIULLA BAIG, Advocate [OPUC]
5. One CC to SRI PASHAM MOHITH, SC FOR WMC [OPUC]
6. Two CD Copies

BSR

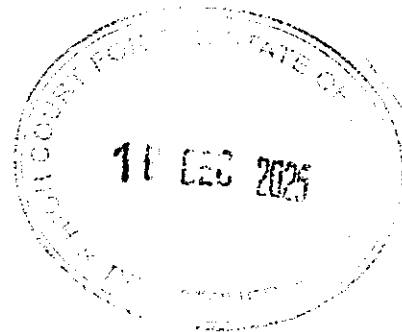


HIGH COURT

DATED: 05/12/2025

ORDER

WP.No.20127 of 2013



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

⑧
kpr
18/12/25