

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

THURSDAY, THE FIFTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY**

**WRIT PETITION NO: 23538 OF 2015**

**Between:**

1. M. Nagaraj, S/o Lingaiah aged about 42 yrs. Shop.No.33, Hotel, Near Nala, J.B.S. Out Gate Picket Secunderabad.
2. K. Dhanalaxmi, W/o k. Shankar aged about 40 yrs. Shop.No.5 Near Nala, J.B.S. Out Gate, Picket Secunderabad.
3. K. Shanthi Sree, D/o K. Satyanarayana Shop.No.4, Juice centre Nala, J.B.S., Oute Gate Picket
4. S. Aruna, W/o S. Suresh aged about 40 yrs. Sugar Cane shop.No. 1, Sugar Cane Near Nala, J.B.S. Out Gate Picket Secunderabad.
5. K. Shankar, S/O Yellaiah aged about 56 years Shop.No.6, Cool drinks J.B.S., Nala, J.B.S. Out Gate Picket Secunderabad.
6. M. Narsinga Rao, s/o M. Lingaiah Shopl. No.32, Tiffin Center Nala, J.B.S. Out Gate Picket Secunderabad.
7. M. Laxmi, w/o Nagaraju aged about 37 years Shop.No.31, Foot Wear Nala, J.B.S. Out Gate Picket Secunderabad.
8. K. Krishna, s/o K. Mallaiah aged about 42 Shop.No.2, Oil Shop Nala, J.B.S. Out Gate Picket Secunderabad.
9. M. Pradeep, S/o M. Kumar Shop.No. Tiffin Center Nala, J.B.S. Out Gate Picket Secunderabad.

**...PETITIONERS**

**AND**

1. Executive Officer, Cantonment Board Secunderabad,
2. Executive Engineer, Cantonment Board, Secunderabad.
3. Assistant Engineer Cantonment Board, Secunderabad
4. Sanitary Superintendent, Cantonment Board Secunderabad.
5. Government of India, Defence Ministry, South Block, New Delhi, Rep. By its Secretary.

**...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 in the nature of writ of mandamus declaring the illegal action of the respondents planning/taking steps to demolish or remove putty shops belonging to the petitioners at survey No.G.L.R.487/C Near Nala, of J.B.S., Picket, Secunderabad without due process of law amounts to denial of livelihood In the petitioners is illegal arbitrary and

violation of principles of natural Justice, Article 14, 19 and 21 of Indian Constitution and consequently direct the respondents not to dispossess or remove the petitioners from the shops till disposal of the representations/applications for grant of lease or permission to the land in survey No.G.L.R.487/C Near Nala, of J.B.S., Picket, Secunderabad.

**I.A. NO: 1 OF 2015(WPMP. NO: 30511 OF 2015)**

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 interfere or dispossess petitioners from the shops survey No.G.L.R.487/C Near Nala, J.B.S., Picket, Secunderabad pending Writ petition.

**IA NO: 1 OF 2018**

**Between:**

1. Secunderabad Cantonment Board, Rep. by Chief Executive Officer, Secunderabad Cantonment Board, Secunderabad.
2. Executive Engineer, Cantonment Board, Secunderabad.
3. Assistant Engineer, Cantonment Board, Secunderabad
4. Sanitary Superintendent, Cantonment Board, Secunderabad.
5. Government of India, Defence Ministry, South Block, New Delhi, Rep. By its Secretary.

**...PETITIONERS/RESPONDENTS**

**AND**

1. M. Nagaraj, S/o Lingaiah aged about 42 yrs. Shop.No.33, Hotel, Near Nala, J.B.S. Out Gate Picket Secunderabad.
2. K. Dhanalaxmi, W/o k. Shankar aged about 40 yrs. Shop.No.5 Near Nala, J.B.S. Out Gate, Picket Secunderabad.
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8. K. Krishna, s/o K. Mallaiah aged about 42 Shop.No.2, Oil Shop Nala, J.B.S. Out Gate Picket Secunderabad.
9. M. Pradeep, S/o M. Kumar Shop.No. Tiffin Center Nala, J.B.S. Out Gate Picket Secunderabad.

**...RESPONDENTS/PETITIONERS**

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 vacate the interim orders passed by this Hon'ble court dated 13.07.2015 in WP.MP.No. 30511/2015 in WP.No. 23538/2015 and dismiss the writ petition with exemplary costs in the interests of justice under the circumstances of the case.

**Counsel for the Petitioners: SRI KOONA REDDY ANJI REDDY**  
**Counsel for the Respondent Nos.1 TO 4: SRI K.R KOTESWERA RAO, SR SC**  
**FOR CANTONMENT**  
**Counsel for the Respondent No.5: SRI GADI PRAVEEN KUMAR, Dy.**  
**SOLICITOR GENERAL OF INDIA**

**The Court made the following: ORDER**

**THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY**

**WRIT PETITION No.23538 of 2015**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

*"...to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the illegal action of the respondents planning/taking steps to demolish or remove petty shops belonging to the petitioners at survey No.G.L.R.487/C Near Nala, of J.B.S Picket, Secunderabad without due process of law amounts to denial of livelihood In the petitioners is illegal, arbitrary and violation of principles of natural Justice Articles 14, 19 and 21 of Indian Constitution and consequently direct the respondents not to dispossess or remove the petitioners from the shops till disposal of the representations/applications for grant of lease or permission to the land in survey No.G.L.R.487/C Near Nala, of J.B.S Picket, Secunderabad."*

2. The case of the petitioners is that they belong to Scheduled Tribe and Community and they along with some other individuals are running petty business for eking out daily livelihood. It is the further case of the petitioners that they also formed a voluntary society in the name of ST.SC.BC.Weaker's shops Welfare Association Golden Jubilee Bus Station, Picket Secunderabad, vide Regd No.7170 and submitted representations before the respondents requesting for grant of lease of land in which they have established small shops. It is further case of the petitioners that the

respondents without considering their representation are taking forcible steps to remove the petty shops which are in occupation of petitioners since two decades.

3. Respondent No.1 has filed counter affidavit, stating that the petitioners have not filed any documents showing that they are running petty business in the open space beside Jubilee Bus Stand adjacent to open Nala in GLR Sy.No.487; in fact the land in GLR Sy.No.487 is classified as "C" Class, land description of the property is shown as "public garden", the area is admeasuring 12.940 acres and the landlord of the property is shown as "Secunderabad Cantonment Board" and the same is under its management. It is further stated that the property which has been recorded as public garden in GLR Sy.No.487 is being used to meet the needs of local public and petitioners have never been in possession of the said property and the writ petition is filed by the petitioner only to prevent legal action over the property being initiated by the respondents.

4. Since it is stated by the respondents in counter affidavit that the petitioners are not in possession of the subject

property and they have not filed any documents to prove that they are doing petty business in the subject property and the petitioners have invented the allegations only to prevent the legal action being initiated by the respondents for removal of encroachments of the public garden, and since the petitioners have not made out any case for grant of any reliefs, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

//TRUE COPY//

SD/- MOHD. ISMAIL  
ASSISTANT REGISTRAR  
SECTION OFFICER

To

1. One CC to SRI KOONA REDDY ANJI REDDY, Advocate [OPUC]
2. One CC to SRI K.R KOTESWERA RAO, SR SC FOR CANTONMENT [OPUC]
3. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GENERAL OF INIDA [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:05/09/2024

ORDER

WP.No.23538 of 2015



DISMISSING THE WRIT PETITION  
WITHOUT COSTS.

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13/11/24  
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