

HIGH COURT FOR THE STATE OF TELANGANA HYDERABAD
MAIN CASE No: W.P.Nos.25910 of 2015 and 19807 of 2016
PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	31.10.2025	<u>LNA, J</u> In compliance of Order dated 24.10.2025, the officer is present in person and filed affidavit explaining the reasons for inspection of building pertaining to the petitioner in W.P.No.25910 of 2015, though this Court passed Orders to inspect the building of respondent No.4 in W.P.No.25910 of 2015. In the affidavit, the officer stated that there is ambiguity as to whether the building of the petitioner or building of respondent No.4 should be inspected and that created some ambiguity, therefore, the officer inspected both the buildings. It is further stated that inspection of petitioner's premises was purely to avoid ambiguity and provide a clear, undivided factual matrix and does not constitute a violation warranting adverse inference and that the officer extended good faith in discharge of his duties in regard to the orders of this Court and has no <i>mala fide</i> intention or deliberate disobedience. It is further stated that submission of the report was an abuse of no process but a diligent effort to bring facts before this Court for adjudication and the respondent	

	Corporation seeks to continue discharging of its statutory duties of providing public amenities and infrastructure to citizens without obstruction. On 16.09.2025, two writ petitions i.e., W.P.No.25910 of 2015 filed by Gandhe Mohan Rao and W.P.No.19807 of 2016 filed by Veerender Kumar were listed before this Court and Orders were passed in the presence of learned Counsel for petitioner, learned Counsel for respondent No.4 and learned Standing Counsel for respondent No.3 – Municipality and fixed inspection on 27.09.2025 at 11:00 AM and posted the matter to 08.10.2025. On 08.10.2025, learned Standing Counsel for Municipality represented that inspection could not be conducted due to paucity of time, as the Orders passed by this Court could not be communicated. Therefore, inspection was rescheduled to 14.10.2025 at 11:00 AM. In the Order dated 16.09.2025, this Court also referred to the report dated 21.08.2015, submitted by respondent No.3- Municipality and also the explanation dated 12.01.2016, given by the petitioner in W.P.No.19807 of 2016, therefore, there is no ambiguity as to which building needs to be inspected by the Commissioner. In fact, the inspection was not conducted on 27.09.2025 and at request of learned Standing Counsel for	
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	Municipality, the inspection was rescheduled to 14.10.2025 at 11:00 AM and if there was any ambiguity as to which building was to be inspected, the learned Standing Counsel ought to have got clarification from this Court, but there is no such representation made on behalf of learned Standing Counsel. In fact, there is no ambiguity with regard to the identity of the building to be inspected and the Order dated 16.09.2025 and 08.10.2025, were passed in the presence of all the Counsel as well as learned Standing Counsel and as such, the officer has not acted fairly and is only trying to blame the Court for inspection of the building of the petitioner in W.P.No.25910 of 2015. If really, there was any ambiguity, nothing prevented the officer from seeking clarification of this Court or from the learned Standing Counsel, in whose presence the Orders dated 16.09.2025 and 08.10.2025 were passed. Therefore, explanation offered by the officer is not satisfactory and the same is rejected. At this stage, learned Standing Counsel for respondent No.3 sought time to file better affidavit explaining the events that lead to inspection of petitioner's property in W.P.No.25910 of 2015 and also the action taken report against the unauthorized building raised by Veerender Kumar in W.P.No.19807 of 2016.	
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