

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

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY ONE

**PRESENT**

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

**WRIT PETITION NO: 22778 OF 2021**

**Between:**

Smt.C. Prathima Mahesh, W/o. C. Maheshwar, age. 44 years, Occ. Business,  
R/o. Plot No.120, H.No.6-4-478, MIG, Phase-IV, TV Colony, Vanasthalipuram,  
Hyderabad-500070.

**...PETITIONER**

**AND**

1. The State of Telangana, Municipal Administration Department, Rep.by its Principal Secretary, Secretariat, Hyderabad.
2. The Meerpet Municipal Corporation, Rep.by its Commissioner, Meerpet, Hyderabad
3. Sri.Teegala Vikram Reddy, S/o.T.Sathi Reddy, aged about 46 years, Occ. Dealer of Bharat Petroleum Corporation Limited, at Survey No.166, Meerpet Road, Opp.Canara Bank, Meerpet, Ranga Reddy 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 Notice Vide ROC.No.G1/3933/TPS-MMC/2021, dated.08-09-2021, issued by the 2nd Respondent U/s.174(4) and 181(1) of Telangana Municipalities Act, 2019, is illegal, arbitrary, contrary to the settled principles of law, non application of mind, in violation of principles of natural justice and violative of the provisions of the Telangana Municipalities Act, 2019 and violative of Article 14 and 300 of the Constitution of India and consequently set aside the Notice Vide ROC.No.G1/3933/TPS-MMC/2021, dated.08-09-2021, issued by the 2nd Respondent U/s.174(4) and 181(1) of Telangana Municipalities Act, 2019.

**IA NO: 1 OF 2021**

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 stay the operation of Notice vide ROC.No.G1/3933/TPS-MMC/2021, dated.08-09-2021, issued by the 2nd Respondent U/s.174(4) and 181(1) of Telangana Municipalities Act, 2019 pending disposal of this writ petition.

**Counsel for the Petitioner:SRI. CHEKURI YADAGIRI**

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

**Counsel for the Respondent No. 2: SRI. N. PRAVEEN KUMAR, SC FOR MC**

**Counsel for the Respondent No. 3: NONE APPEARED**

**The Court at the stage of admission made the following:**

**THE HONOURABLE SRI JUSTICE K. LAKSHMAN**

**WRIT PETITION No.22778 OF 2021**

**ORDER:**

Heard Sri Chekuri Yadagiri, learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.2.

2. Hindustan Petroleum Corporation Limited (HPCL) has allotted retail outlet dealership to the petitioner in Sy.No.73/A at Jillelaguda Road between RCI Cross Road and Meerpet Cross Road, Jillelaguda Village, Ranga Reddy District, vide letter dated 30.07.2019. The petitioner herein has obtained necessary permissions and NOC from Hyderabad Metropolitan Development Authority (HMDA) and also Commissioner, Rachakonda Police Commissionerate. The petitioner has submitted an application dated 28.06.2021 to respondent No.2 seeking construction permission. Respondent No.2 has issued a notice dated 06.09.2021 requesting the petitioner to furnish shortfalls and submit technical approval (plan and proceedings) from the competent authority for processing and to take suitable action. In the said notice dated 06.09.2021, respondent No.2 did not specify any time frame. Without waiting for submission of the said shortfalls and technical approval, respondent No.2 has issued the impugned notice dated 08.09.2021 directing the petitioner to demolish the unauthorized construction within seven days



from the date of receipt of the said notice. In the said notice, respondent No.2 has mentioned that the petitioner has not submitted the technical approval from the competent authority and the shortfalls.

3. The above stated facts would reveal that, without fixing the time frame in the notice dated 06.09.2021 to submit technical approval from the competent authority, respondent No.2 issued the impugned notice dated 08.09.2021. Thus, respondent No.2 has not given any opportunity to the petitioner to submit the shortfalls, technical approval, other approvals and also NoC issued by the Commissioner, Rachakonda Police Commissionerate.

4. Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.2, would fairly submit that respondent No.2 has not fixed any time frame in the notice dated 06.09.2021 and respondent No.2 will consider the documents to be produced by the petitioner including technical approval from the competent authority and pass appropriate orders in accordance with law.

5. In view of the same, this Writ Petition is allowed and the impugned notice in Roc.No.G1/3933/TPS-MMC/2021, dated 08.09.2021, issued by respondent No.2 is set aside. Respondent No.2 shall issue a fresh notice to the petitioner requesting her to submit technical approval, plan and

proceedings including shortfalls from the competent authority by fixing some time frame. Thereafter, respondent No.2 shall pass appropriate orders in accordance with law by considering the reply and documents to be submitted by the petitioner by affording of personal opportunity to her. Miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

SD/-K.SAILESHI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Meerpet Municipal Corporation, Meerpet, Hyderabad
3. One CC to Sri. Chekuri Yadagiri, Advocate [OPUC]
4. One CC to Sri. N. Praveen Kumar, SC for MC (OPUC)
5. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana. [OUT]
6. Two CD Copies.
7. One Spare Copy.

PM

HIGH COURT

DATED:17/09/2021

ORDER

WP.No.22778 of 2021



Allowing the WP  
Without costs.

ATM (9)  
20/9/2021