

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

WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST TWO THOUSAND AND TWENTY  
FOUR

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

**WRIT PETITION NO: 22894 OF 2024**

**Between:**

Pradeep Reddy Badvelu, S/o Badvelu Srinivasulu Reddy

**Petitioner**

**AND**

1. State of Telangana, Rep. by its Principal Secretary (Irrigation And CAD Department) Secretariat, Lower Tank Bund, Hyderabad
2. Engineer in Chief, Jala Soudha, Irrigation and ICAD Department, Erra Manzil Colony, Punjagutta, Hyderabad, Telangana 500 082
3. Superintending Engineer, HL and WBM Circle Buddha Bhavan, First Floor, MG Road, Secunderabad- 500003
4. The District Collector, Ranga Reddy District, At Kongara Kalan, Ibrahimpatnam, Kongarakalan
5. The Mandal Revenue Officer, Shankarpally Mandal.
6. Hyderabad Disaster Response and Assets Monitoring And Protection (HYDRAA), C/o Municipal Administration and Urban Development Department, Rep. by its Commissioner, Secretariat, Hyderabad
7. Lake Protection Committee, Hyderabad Metropolitan Development Authority represented by its Metropolitan 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 issue Writ, Order or Direction more in the nature of Writ of Mandamus declaring the action of the Respondents No. 2 to 5 in interfering with the peaceful possession and enjoyment of the farmhouse property consisting of Ground Plus First Floor with built up area admeasuring 3895.12 square feet on land admeasuring 1210 square yards in Survey no.311/ Part (New Survey No. 311/7) situated at Janwada Village and Gram Panchayat, Shankarpalle Mandal, Ranga Reddy District belonging to the Petitioner as being in violation of the principles of natural justice, arbitrary and contrary to the provisions of Article 14 21, 300-A of Constitution Of India;

**IA NO: 1 OF 2024**

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 restrain

the Respondents No. 2 to 5 from interfering with the peaceful possession of the farmhouse, consisting of Ground Floor Plus First Floor with total built up area of 3895.12 square feet on land situated in 1210 square yards situated in Survey No. 311/ Part (New Survey No. 311/ 7), situated at Janmada Village, Janwada Gram Panchayat , Shankarpally Mandal, Ranga Reddy District, Telangana belonging to the petitioner in any manner whatsoever, pending disposal of WP 22894 of 2024, 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 Sri SRIKANTH HARIHARAN, Advocate for the Petitioner, the Court made the following.

## **ORDER**

**Heard Sri V. Hariharan, learned Senior counsel representing Srikanth Hariharan, learned counsel for the petitioner, Sri Mohd. Imran Khan, learned Additional Advocate General appearing for respondent Nos.1 to 5, Sri Katika Ravinder Reddy, learned standing counsel for 6<sup>th</sup> respondent and Sri V.Narasimha Goud, learned standing counsel for 7<sup>th</sup> respondent.**

**The petitioner is claiming right over the farm house consisting of ground floor plus first floor with total built up area 3895.12 sq. feet admeasuring 1210 sq.yards in Sy.No.311/Part (new Sy.No.311/7) situated at Janwada Grampanchayat, Shankarpally Mandal, Ranga Reddy District presently Narsingi Municipality, on the strength of a registered sale deed bearing document No.10389 of 2019 dated 11.09.2019. He has purchased the subject property from D and U Realty Ventures LLP.**

**According to the petitioner, his vendor has obtained permission for construction of a farm house from Sarpanch, Janwada Grampanchayat. He is in possession of the subject property. The subject property is not in the FTL. He has also placed reliance on the notification of the Full Tank Level, Boundaries and Buffer Zones of Lakes/Water Bodies in Hyderabad Metropolitan Region, dated 20.07.2016 issued by Hyderabad Metropolitan Development Authority.**

**It is the specific allegation of the petitioner that on 14.08.2024, the officials of respondents 2 and 3 visited the subject property and threatened the petitioner stating that the farmhouse is in the Full Tank Level of Osman Sagar Lake, without any notice or intimation. They have promised to return to the farm house property along with the officials of the 6<sup>th</sup> respondent. Thus, the respondents 3 to 5 along with 6<sup>th</sup> respondent are trying to demolish the subject Farmhouse without following the procedure laid down by law.**

**Sri Mohd.Imran Khan, learned Additional Advocate General, on instructions, would submit that the Government has issued G.O.Ms.No.99, dated 19.07.2024( for short,'the subject G.O.')** establishing 6<sup>th</sup> respondent i.e. **Hyderabad Disaster Response and Asset Protection Agency (HYDRAA).**

**It is apt to note that the relevant paragraphs of the said G.O:-**

**Telangana is one of fastest urbanizing states, with an urban population growth rate of 3.2% per annum, higher than the national average. This rapid growth is evident in the outskirts of Hyderabad, driven by industries like IT, ITES, Pharma, Biotechnology, Warehousing & Logistics, aerospace and industries related to renewable energy. The Outer Ring Road (ORR) has become the natural boundary of the city, encompassing various urban and rural local bodies. Though this area is characterized by common urban agglomerate features, the level of civic services are different, based on the competence of the Local Body concerned. This is more pronounced in respect of Disaster Management. Though there is an elementary support system of Disaster Management in GHMC., the same is invisible in other urbanized areas within ORR.**

**2. To address this challenge, the government of Telangana has decided to establish a single, unified agency for disaster management in the Telangana Core Urban Region (TCUR). The TCUR is the term referred to area comprising of entire GHMC and such areas of Hyderabad, Ranga Reddy, Medchal Malkajgiri and Sangareddy Districts upto ORR. Accordingly, the Hyderabad Disaster Response and Asset Protection Agency (HYDRAA) is hereby constituted with following mandate and functions.**

**7. The HYDRAA shall comprise of Asset Protection Wing, Disaster Management Wing and Logistical Support Wing and an indicative list of roles and responsibilities of the three wings of HYDRAA are given below. Whenever the HYDRAA is required to exercise penal or regulatory powers vested with other relevant Authorities, the HYDRAA may coordinate and function along with such Authorities or shall entrust relevant powers and responsibilities to HYDRAA in accordance with the procedure established under relevant Acts/Rules, as the case may be.**

**7.1. Asset Protection Wing**

1. To protect assets of Local Bodies and Government such as parks, layout open spaces, playgrounds, lakes, nalas, land parcels, roads, carriageways, footpaths, etc from encroachments.  
II. Removal of lake encroachments in coordination with GHMC, other local bodies, HMDA, Irrigation department, Revenue department, etc

III. Coordination with local police for Assets Protection and necessary enforcement, etc

IV. To inspect private premises for building and town planning regulation or removal of dilapidated structures endangering public safety, whenever such requests are received from government agencies like ULBS, UDAS and planning authorities. In exercise of such powers, the HYDRAA authorities shall be deemed to be working under such ULBS, UDA and planning authorities, under the relevant Acts, Rules and Regulations of ULBS, UDA and planning authorities.

V. To take penal action on the violations in connection with advertisements which are in deviation or not authorized vis-à-vis the permissions granted by the concerned Local Bodies and shared on real time database. In exercise of such powers the HYDRAA authorities shall be deemed to be working under such ULBs under the relevant Acts, Rules and Regulations of ULBS.

VI. Any other enforcement work as entrusted by the Government from time to time.

#### 7.2. Disaster Management Wing:

1. Taking up of Disaster response and relief work by Disaster Response Force (DRF) of HYDRAA in case of any disaster / emergency.

II. Coordination with NDRF, SDMA, TG DR&FS Department and other State and National agencies of Disaster Management.

III. Coordination with technical agencies such as Indian Meteorological Department (IMD), National Remote Sensing Agency (NRSA) etc. and alerting the concerned line departments by sending timely forewarns;

IV. Coordination with all concerned departments such as Police, GHMC and other Local Bodies concerned, HMWS&SB, HMDA, HMR, HGCL, MRDCL, TGSPDCL, Forest, UBD, Irrigation. etc., to handle all types of emergencies /emergency situations;

V. Maintain separate database and collate information for future risk assessment and disaster risk predictions.

VI. Inspection of premises and issuing of Fire NOCs as entrusted by the DG DR&FS under the provisions of Telangana Fire Services Act, 1999.

Referring to the same, learned Additional Advocate General would contend Respondent Nos.3 to 6 will follow the procedure laid down under the said G.O. and also relevant Acts and Rules while taking action against illegal encroachments and unauthorized constructions.

He would further contends that Sarpanch, Janwada Village has issued permission to the vendor of the petitioner and Sarpanch has no authority to issue the said permission. It is Panchayat Secretary of

Janwada Village who has to issue permission. 6<sup>th</sup> respondent will consider all the said aspects and also the preliminary/final notification, if any, issued by the authorities earmarking the subject property under FTL. They will also call for the record from the petitioner including permissions obtained by them before taking any action. 6<sup>th</sup> respondent will strictly follow the procedure laid down under the G.O.

However, he seeks time to file counter along with the preliminary/final notification if any earmarking the subject property under FTL. List on 12.09.2024. In the meanwhile, 6<sup>th</sup> respondent shall take steps strictly in accordance with law and procedure laid down under the said G.O. while taking action against the petitioner.

6<sup>th</sup> respondent shall also furnish the details of the action taken by it along with counter as to the number of structures demolished by following the procedure laid down

While initiating action against the illegal encroachments and unauthorized constructions, 6<sup>th</sup> respondent shall consider the following aspects:-

- i. *Prima facie* title of the illegal encroachers and the persons who made unauthorized constructions.
- ii. Permissions obtained by them from various authorities including GHMC, Municipalities and Grampanchayats etc.
- iii. 6<sup>th</sup> respondent shall not show any discrimination between owners of small extents of land i.e. 60 to 100 sq.yards and One Acre and above.
- iv. 6<sup>th</sup> respondent shall follow the procedure laid down under the subject G.O.

- v. 6<sup>th</sup> respondent has to take steps by following due procedure laid down under the aforesaid G.O. so as to enable the citizens to repose confidence on the State.

**SD/- A.V.S.PRASAD  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Principal Secretary (Irrigation And CAD Department), State of Telangana, Secretariat, Lower Tank Bund, Hyderabad
2. The Engineer in Chief, Jala Soudha, Irrigation and ICAD Department, Erra Manzil Colony, Punjagutta, Hyderabad, Telangana 500 082
3. The Superintending Engineer, HL and WBM Circle Buddha Bhavan, First Floor, MG Road, Secunderabad- 500003
4. The District Collector, Ranga Reddy District, At Kongara Kalan, Ibbrahimpatnam, Kongarakalan
5. The Mandal Revenue Officer, Shankarpally Mandal.
6. The Commissioner, Hyderabad Disaster Response and Assets Monitoring And Protection (HYDRAA), C/o Municipal Administration and Urban Development Department, Secretariat, Hyderabad
7. The Metropolitan Commissioner, Lake Protection Committee, Hyderabad Metropolitan Development Authority  
(for 1 to 7 by RPAD)
8. One CC to SRI. SRIKANTH HARIHARAN, Advocate [OPUC]
9. Two CCs to ADVOCATE GENERAL, High Court at Hyderabad. [OUT]
10. One spare copy

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**HIGH COURT**

**KLJ**

**DATED:21/08/2024**

**ORDER**

**WP.No.22894 of 2024**

**DIRECTION**



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

THURSDAY, THE TWENTY SECOND DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

**WRIT PETITION NO: 23172 OF 2024**

**Between:**

1. Keshav Kumar Agarwal, S/o.Om Prakash Agarwal
2. Susheela Bhai Agarwal, W/o. Kesav Kumar Agarwal
3. Tripthi Agarwal, W/o.Nitin Kumar Agarwal
4. Nitin Kumar Agarwal, S/o.Keshav Kumar Agarwal
5. Preeti Kedia, W/o.AnandKedia,
6. Mona Agarwal, W/o.Nikhil Kumar Agarwal,
7. Nikhil Kumar Agarwal, S/o.Keshav Kumar Agarwal
8. P.Rami Reddy, S/o.P.Chandrashekar Reddy,
9. K.Srikanth Reddy, S/o.Srinivas Reddy,
10. R.Suresh Goud, S/o.R.Hanumanth Goud

**...Petitioners**

**AND**

1. The State of Telangana, Represented by its Principal Secretary Irrigation and CAD Department, Secretariat, Lower Tank Bund, Hyderabad
2. Engineer in Chief, Jala Soudha Irrigation and ICAD Department Erra Manzil Colony Punjagutta Hyderabad Telangana 500 082
3. Superintending Engineer, HL and WBM Circle Buddha Bhavan First Floor MG Road Secunderabad 500003
4. The District Collector, Ranga Reddy District.
5. The Revenue Divisional Officer, Rajendranagar Mandal, Ranga Reddy District.
6. The Tahsildar, Shamshabad Mandal, Ranga Reddy District.
7. Hyderabad Metropolitan Development Authority Represented by its Commissioner Sanjeev Reddy Nagar, Srinivasa Nagar, Ameerpet, Hyderabad.
8. Hyderabad Disaster Response and Asset Protection Agency HYDRA, Represented by its Commissioner Municipal Administration and Urban Development Hyderabad Telangana.
9. Hyderabad Metro Water Supply Sewerage Board, Represented by its Managing Director Khairtabad Hyderabad.
10. Shamshabad Municipality, Represented by its Municipal Commissioner, Ranga Reddy District
11. Lake Protection Committee, Hyderabad Metropolitan Development Authority represented by its Metropolitan Commissioner
12. The Station House Officer, Shamshabad Police Station, 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 grant an order, direction or writ, more so in the nature of WRIT OF MANDAMUS declaring the action of the Respondent authorities in threatening to demolish the existing structures on the Petitioners land admeasuring Ac.7.00 Gts in Sy.No. 54 of Kothwalguda Village without any intimation as illegal, arbitrary, highhanded in violation of the rights guaranteed to the Petitioner under Article 14 and 300A of the Constitution of India with a consequential prayer to direct the Respondent No.1 to 11 not to interfere with the peaceful possession and enjoyment of the land admeasuring Ac.7.00 Gts in Sy.No.54 Sy.No. 54 of Kothwalguda Village without following the due process of law;

**IA NO: 1 OF 2024**

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 restrain the Respondents from taking any coercive steps against the subject land admeasuring Ac 7.00 Gts in Square Yards.No.54 of Kothwalguda Village, Shamshabad Mandal Ranga Reddy District including but not limited to any acts of demolition or attempts or threats of demolition of any structures on the subject land or any attempts of dispossessing the Petitioner, pending disposal of WP.No.23172 of 2024, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof upon hearing the arguments of Sri S. Nagesh Reddy, learned counsel representing Sri M.D.Nazeeruddin Khan, Advocate for the Petitioners, Sri T. Rajinikanth Reddy, Additional Advocate General, for the Respondent Nos.1 to 7, Sri Katika Ravinder Reddy, for the Respondent No.8, Sri G. Narender Reddy, for the Respondent No.9, Sri G. Malla Reddy, for the Respondent No.10, Sri V. Narsimha Goud, for the Respondent No.11, GP For Home, for the Respondent No.12, the Court made the following.

**ORDER**

**Heard Sri S.Nagesh Reddy, learned counsel representing Sri M.D. Nazeeruddin Khan, learned counsel for the petitioners, Sri T.Rajinikanth Reddy, learned Additional Advocate General, appearing for Respondents 1 to 7, Sri Katika Ravinder Reddy, learned counsel for respondent No.8. Sri G.Narender Reddy, learned counsel appearing for respondent No.9, Sri G.Malla Reddy, learned counsel for respondent No.10, Sri V.Narasimha Goud, learned counsel for respondent No.11 and learned Government Pleader for Home for respondent No.12.**

**6<sup>th</sup> respondent has issued notice under Section 7 of the Telangana Land Encroachment Act, 1905 (for short, 'the Act'), dated 10.07.2024 to the petitioner Nos.8 to 10 stating that they are in illegal occupation of the government land admeasuring Ac.5.00 in Sy.No.54 situated in Kotwalguda Village (for short, 'the subject property'). Seven (7) days time was granted to them to submit explanation and the same was submitted on 18.07.2024. Alleging that without considering the said explanation, 6<sup>th</sup> respondent is trying to demolish the subject property, the petitioners filed**

W.P.No.22200 of 2024. Vide order dated 14.08.2024, this Court disposed of the said writ petition directing the respondent No.6 to consider the explanation dated 18.07.2024 submitted by the petitioners to notice dated 10.07.2024 and pass appropriate orders, strictly in accordance with law by putting the petitioners, on notice and affording them an opportunity. This Court also directed the respondent No.6 to pass a reasoned order and communicate a copy of the said order to the petitioners herein. He shall complete the said exercise within a period of four (4) weeks from the date of receipt of copy of this order. Subsequently for a period of one week from the date of communication of the said order, respondent No.6 shall not proceed further pursuant to the notice dated 10.07.2024.

According to the learned counsel for the petitioners, 6<sup>th</sup> respondent did not issue any notice and he is not conducting any enquiry. In response to the said order, respondents 7 to 11, at the behest of the respondents 4 to 6, visiting the petitioners' property and threatening the petitioners that they are going to demolish the construction made by the petitioners without verifying the permission obtained by the petitioners and declaration by respondents 7 and 8 that the property does not fall under FTL. Thus, the respondents are trying to demolish the structures without following the due procedure laid down under law.

The petitioners also placed reliance on the joint inspection report dated 01.04.2022 wherein it is stated that the subject land in Sy.No.54 is not falling within the FTL area.

Sri S.Nagesh Reddy, learned counsel for the petitioners placed reliance on the directions issued by the Apex Court in *Municipal Corporation of Greater Mumbai vs. Sunbeam High Tech Developers Private Limited*<sup>1</sup>. He has also produced permissions issued in favour of the petitioners for construction of Function Hall (Convention).

Perusal of the said permissions would reveal that they were signed by three different sarpanches and Sarpanch has no authority to issue the said permissions. It is the Panchayat Secretary of the village concerned who has to issue permission. In the said permissions, the subject land is mentioned as gramkantam. Therefore, there would not be any survey numbers to the gramkantam land. Even the mutation proceedings filed by the petitioners were also signed by the Sarpanch. In the said permissions, the plotted area is mentioned as 500 sq.yards each. Therefore, Kotwalguda grampanchayat

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<sup>1</sup> (2019) 20 SCC 781

has no jurisdiction to issue the said permissions under the provisions of the Panchayat Raj Act. The said permissions produced by the petitioners do not contain the grampanchayat resolution and also permission number and date etc. They are plans. Permissions were not filed. Perusal of the said permissions would reveal that they were obtained for residential purpose and they are using it for commercial purpose. Therefore, respondents, more particularly, 8<sup>th</sup> respondent, while initiating the action, shall consider the plotted area of 500 sq.yards each shown in the aforesaid permissions and proceedings (Aagnapatram) of the grampanchayat.

Sri Tera Rajinikanth Reddy, learned Additional Advocate-General placed reliance on Section 405 of Greater Hyderabad Municipal Corporation Act, 1955 (for short, the Act'), to contend that the Commissioner is having power to remove the structures without notice and it is extracted below:-

Section 405:- Commissioner may without notice, remove any thing erected, deposited or hawked or exposed for sale in contravention of Act:-

The Commissioner may, without notice, cause to be removed:-

- (a) any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture which shall be erected or set up in or upon or over any street, any open channel, drain, well or tank contrary to the provisions of this Act;
- (b) any stall, chair, bench, box, ladder, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended, in, upon, from or to any place in contravention of this Act;
- (c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Sri S.Nagesh Reddy, learned counsel for the petitioner would also contend that 8<sup>th</sup> respondent has no jurisdiction to take action against the petitioners Convention since it is outside of the ORR. He has also placed reliance on G.O.Ms.No.99, dated 19.07.2024 (for short, 'the subject G.O.').

Vide the aforesaid G.O., Government has established 8<sup>th</sup> respondent i.e. Hyderabad Disaster Response and Asset Protection Agency (HYDRAA).

Perusal of the said G.O. would reveal that Government has established 8<sup>th</sup> respondent, a single, unified agency for disaster management in the Telangana Core Urban Region (TCUR). The TCUR is the term referred to area comprising of entire

**GHMC and such areas of Hyderabad, Ranga Reddy, Medchal Malkajgiri and Sangareddy Districts upto ORR. It was established to address the challenges mentioned in the said G.O.**

**As per the said G.O. 8<sup>th</sup> respondent is hereby constituted with following mandate and functions:-.**

**2. To address this challenge, the government of Telangana has decided to establish a single, unified agency for disaster management in the Telangana Core Urban Region (TCUR). The TCUR is the term referred to area comprising of entire GHMC and such areas of Hyderabad, Ranga Reddy, Medchal Malkajgiri and Sangareddy Districts upto ORR. Accordingly, the Hyderabad Disaster Response and Asset Protection Agency (HYDRAA) is hereby constituted with following mandate and functions.**

**7. The HYDRAA shall comprise of Asset Protection Wing, Disaster Management Wing and Logistical Support Wing and an indicative list of roles and responsibilities of the three wings of HYDRAA are given below. Whenever the HYDRAA is required to exercise penal or regulatory powers vested with other relevant Authorities, the HYDRAA may coordinate and function along with such Authorities or shall entrust relevant powers and responsibilities to HYDRAA in accordance with the procedure established under relevant Acts/Rules, as the case may be.**

#### **7.1. Asset Protection Wing**

- 1. To protect assets of Local Bodies and Government such as parks, layout open spaces, playgrounds, lakes, nalas, land parcels, roads, carriageways, footpaths, etc from encroachments.**
- II. Removal of lake encroachments in coordination with GHMC, other local bodies, HMDA, Irrigation department, Revenue department, etc**
- III. Coordination with local police for Assets Protection and necessary enforcement, etc**
- IV. To inspect private premises for building and town planning regulation or removal of dilapidated structures endangering public safety, whenever such requests are received from government agencies like ULBS, UDAS and planning authorities. In exercise of such powers, the HYDRAA authorities shall be deemed to be working under such ULBS, UDA and planning authorities, under the relevant Acts, Rules and Regulations of ULBS, UDA and planning authorities.**

V. To take penal action on the violations in connection with advertisements which are in deviation or not authorized vis-à-vis the permissions granted by the concerned Local Bodies and shared on real time database. In exercise of such powers the HYDRAA authorities shall be deemed to be working under such ULBs under the relevant Acts, Rules and Regulations of ULBS.

VI. Any other enforcement work as entrusted by the Government from time to time.

**7.2. Disaster Management Wing:**

I. Taking up of Disaster response and relief work by Disaster Response Force (DRF) of HYDRAA in case of any disaster / emergency.

II. Coordination with NDRF, SDMA, TG DR&FS Department and other State and National agencies of Disaster Management.

III. Coordination with technical agencies such as Indian Meteorological Department (IMD), National Remote Sensing Agency (NRSA) etc. and alerting the concerned line departments by sending timely forewarns;

IV. Coordination with all concerned departments such as Police, GHMC and other Local Bodies concerned, HMWS&SB, HMDA, HMR, HGCL, MRDCL, TGSPDCL, Forest, UBD, Irrigation. etc., to handle all types of emergencies /emergency situations;

V. Maintain separate database and collate information for future risk assessment and disaster risk predictions.

VI. Inspection of premises and issuing of Fire NOCs as entrusted by the DG DR&FS under the provisions of Telangana Fire Services Act, 1999.

Whereas, Sri Katika Ravinder Reddy, learned counsel appearing for 8<sup>th</sup> respondent, on instructions, would submit that though the subject Function Hall is outside the ORR, it is in Kotwalguda Village. The said village is extended to two sides of ORR. Therefore, 8<sup>th</sup> respondent has jurisdiction in terms of G.O.Ms.No.99, dated 04.07.2024.

In similar circumstances, vide order dated 21.08.2024, considering the aforesaid facts, this Court, directed the respondents including the 8<sup>th</sup> respondent to take action against the petitioner therein, strictly following the procedure laid down under the subject G.O. The petitioners are also standing on the very same footing and they are also entitled for the same relief to maintain parity. Therefore, respondents, more particularly respondent No.8 are directed to take action strictly in accordance with the procedure laid down under the subject G.O. Respondents are also directed to consider the Joint Inspection Report dated 01.04.2022 and also obtain a copy of preliminary/final

notification earmarking the subject property under FTL. Thereafter they shall take action in accordance with law. 8<sup>th</sup> respondent shall consider certain aspects referred in the order dated 21.08.2024 in W.P.No.22894 of 2024 and the aforesaid aspects while initiating action against the petitioners.

List on 12.09.2024 along with W.P.No.22894 of 2024.

//TRUE COPY//

Sd/-MOHD. ISMAIL  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Irrigation and CAD Department, Secretariat, Lower Tank Bund, Hyderabad.
2. The Engineer in Chief, Jala Soudha Irrigation and ICAD Department Erra Manzil Colony Punjagutta Hyderabad Telangana 500 082.
3. The Superintending Engineer, HL and WBM Circle Buddha Bhavan First Floor MG Road Secunderabad 500003
4. The District Collector, Ranga Reddy District.
5. The Revenue Divisional Officer, Rajendranagar Mandal, Ranga Reddy District.
6. The Tahsildar, Shamshabad Mandal, Ranga Reddy District.
7. The Commissioner, Hyderabad Metropolitan Development Authority, Sanjeev Reddy Nagar, Srinivasa Nagar, Ameerpet, Hyderabad.
8. The Commissioner Municipal Administration and Urban Development, Hyderabad Disaster Response and Asset Protection Agency HYDRA, Hyderabad Telangana.
9. The Managing Director, Hyderabad Metro Water Supply Swereage Board, Khairtabad Hyderabad.
10. The Municipal Commissioner, Shamshabad Municipality, Ranga Reddy District.
11. The Metropolitan Commissioner, Lake Protection Committee, Hyderabad Metropolitan Development Authority
12. The Station House Officer, Shamshabad Police Station, Ranga Reddy District.
- (1 to 12 by RPAD)
13. Two CCs to Sri. T. Rajinikanth Reddy, Advocate General, High Court at Hyderabad.[OUT]
14. Two CCs to GP for Home, High Court at Hyderabad. [OUT]
15. One CC to Sri. M.D. Nazeeruddin Khan Advocate [OPUC]
16. One CC to Sri. Katika Ravinder Reddy Advocate [OPUC]
17. One CC to Sri. G. Narender Reddy Advocate [OPUC]
18. One CC to Sri. G. Malla Reddy Advocate [OPUC]
19. One CC to Sri. V. Narsimha Goud Advocate [OPUC]
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**HIGH COURT**

**KL,J**

**DATED:22/08/2024**

**NOTE: LIST ON 12.09.2024 ALONG WITH  
W.P.NO.22894 OF 2024**

**ORDER**

**WP.No.23172 of 2024**

**DIRECTION**



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

SATURDAY, THE TWENTY FOURTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE T.VINOD KUMAR  
I.A.No.1 OF 2024  
IN  
WRIT PETITION NO: 23421 OF 2024**

**Between:**

M/s. N. Convention, A Unit of N.3 Enterprises Private Limited, 2-92/1, Opp. Shilparamam, Hitech City, Hyderabad. Rep. by its Managing Director Sri Nalla Preetham Reddy, S/o. N. Raghuvver Reddy, #8-2-293/82/NL/302, Road No. IOC, MLA and MP Colony, Jubilee Hills, Hyderabad - 500033

**...Petitioner**

**AND**

1. The State of Telangana, Rep. by Chief Secretary, Telangana Secretariat, Hyderabad, Telangana -500022
2. The State of Telangana, Rep. by Prl. Secretary, Irrigation Department, Telangana Secretariat, Hyderabad, Telangana -500022.
3. The State of Telangana, Rep. by its Prl. Secretary, MA & UD Department, Telangana Secretariat, Hyderabad, Telangana - 500022.
4. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, CC Complex Tank Bund Road, Lower Tank Bund, Hyderabad 500063.
5. The Zonal Commissioner, Serilingampally Zone, CC Complex Tank Bund Road, Lower Tank Bund, Hyderabad - 500063.
6. Engineer-in-Chief, O/o. Engineer-in-Chief, I & CAD Department, Jalasoudha Building, Errum Manzil, Hyderabad.
7. Hyderabad Disaster Response and Asset Protection Agency (HYDRAA), Represented by The Commissioner HYDRAA, Telangana Secretariat, Hyderabad, Telangana - 500022

**...Respondents**

<b>Counsel for the Petitioner</b>	<b>: Sri P Sri Raghuram</b>
<b>Counsel for the Respondent Nos.1 to 3</b>	<b>: Additional Advocate General</b>
<b>Counsel for the Respondent Nos.4 &amp; 5</b>	<b>: Sri M.A.K Mukheed</b>
<b>Counsel for the Respondent Nos.6</b>	<b>: GP for Irrigation</b>
<b>Counsel for the Respondent No .7</b>	<b>: Sri K. Ravinder Reddy</b>

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 Respondent No(s) 1 to 7 refrain from demolition of and interference with the subject property



i.e., N Convention in Sy. Nos. 291/1, 11/2, 11/3 and 11/36 of a total extent of 27063 sq.mtrs. of Khanamet Village, Serilingampally Mandal, pending disposal of WP 23421 of 2024, on the file of the High Court.

The Court made the following.

**ORDER**

Sri. P. Sri Raghuram, Learned Senior Counsel appearing on behalf of the petitioner contends that the respondent-authorities, while claiming to have issued a show-cause notice dated 30.07.2024 and thereafter passing a speaking order on 08.08.2024, without even serving either of the said orders on the petitioner have undertaken demolition of the petitioner's premises today morning at 7.38 am.

It is further contended that it is only after the authorities commencing the demolition work of the petitioner's premises, in particular by the 7<sup>th</sup> respondent, the speaking order dated 08.08.2024 was served today at 9.04 am, by which time, the 7<sup>th</sup> respondent-authorities with the officials of 4<sup>th</sup> respondent had commenced demolition already.

It is further contended that the respondent-authorities even before serving the speaking order and even before expiry of (15) days time granted therein for the petitioner to remove the alleged unauthorized illegal construction made by encroaching on to the F.T.L. of Tammidikunta Tank had undertaken demolition.

It is further contended that at earlier point of time, on the respondent-authorities rejecting the application filed by it seeking regularization of the construction made the petitioner had filed an appeal in terms of Rule 18 of the Telangana (Regularization of Unauthorized constructed Buildings and Buildings constructed in deviation of Sanctioned Plan) Rules, 2015, wherein, the 3<sup>rd</sup> respondent-authority had passed an order of *status-quo* until further orders and that the said order is subsisting.

It is further contended that the respondents are claiming that the FTL of Tammidikunta Tank is spread over Ac.29-24 guntas and thus, the petitioner had made construction by encroaching onto the 30 meter Buffer Zone. It is also contended that in the proceedings initiated under the A.P. Land Grabbing (Prohibition) Act, the respondent authorities themselves had claimed that the spread of Tammidikunta Tank to be Ac.20-07 guntas in Sy.No.36, whereby, the proceedings initiated before the Special Court under Andhra Pradesh Land Grabbing Act (Prohibition Act),1982 vide LGC(SR) No.3943 of 2011 were closed.

It is further contended that the petitioner also had approached the competent Court of civil jurisdiction by filing a suit vide O.S.No.733 of 2017 with regard to determination of extent of the Tammidikunta Tank and also sought for determination as to whether land of the petitioner falls within FTL/Buffer Zone of the said Tank and that suit, wherein the respondents are arrayed as defendants, is pending consideration.

It is further contended by learned counsel for the petitioner that the entire action of respondents ignoring the aforesaid pending proceedings and also contrary to the order of *status-quo* passed by the 3rd respondent authority is clearly a malafide action intended to deprive the petitioner of the fruits of judicial process already initiated by it.

*Per contra*, learned Special Government Pleader appearing on behalf of the office of Additional Advocate General would submit that the authorities, pursuant to communication received from the Executive Engineer North Tanks Division, dated 25.07.2024 had issued a show cause notice dated 30.07.2024, and thereafter, passed a speaking order holding that the said construction made by the petitioner to be unauthorised construction in FTL/Buffer zone of Thammidikunta in Sy.No.11/2, 11/3 and 11/36 situated at Khanamet Village, Serilingampally.

Learned Special Government Pleader further contends that insofar as construction made by encroaching on to FTL/Buffer zone, no notice is required in terms of Section 405(a) of the Greater Hyderabad Municipal Corporation, 1955. Insofar as the claim of the petitioner with regard to the pendency of the Suit vide O.S.No.733 of 2017 as well as closure of LGC (SR) No.3943 of 2011 is concerned, the same needs to be verified. By stating as above, learned Standing Counsel further submits that by the time the petitioner filed the present writ petition, the 7<sup>th</sup> respondent officials have already left the petitioner premises.

I have taken note of the respective contentions.

Though the respondent authorities claimed to have served the show-cause notice, the said claim is disputed by the petitioner. Thus, for the said reason, the respondent authorities are required to demonstrate to this Court the manner and mode of service of the show-cause notice on the petitioner before passing the speaking order. Further, it is also to be noted that insofar as the land in Sy.No.11 of Khanamet Village is concerned, the same is subject matter of SLP before the Hon'ble Supreme Court *vide* SLP (Civil) No. 12649-12658 of 2008, wherein an order of *status quo* has been passed by the Hon'ble Apex Court vide dated 15.05.2008.

Further, while the respondents are claiming the spread including FTL of Thammidikunta Tank to be Acs.29.24 guntas, a perusal of the report as submitted by the Joint Collector before the Special Court under A.P. Land Grabbing (Prohibition) Act, shows that the respondent-authorities took a different stand, whereby, it is stated that the FTL of Thammidikunta Tank is only Acs.20.07 guntas in Sy.No.36 of Khanamet Village. Thus, the stand of the respondent authorities in the impugned proceedings is contrary to the stand taken before the Special Court. That being so, the respondent-authorities without actually having determined the extent of the tank by conducting a survey are claiming that the said tank is spread over Acs.29-24 guntas in respect of which, admittedly a civil Suit is pending for adjudication.

Thus, this Court of the *prima facie* view that the respondent-authorities ought not to have initiated proceedings during the subsistence of *status quo* orders passed by respondent No.3 authority with regard to the illegal and unauthorized construction made in the appeal filed by the petitioner.

In view of the above, this Court is of the view that there shall be an order of *status quo* existing as on today maintain by all the parties concerned.

The operative portion of the oral order of was dictated initially and the learned Government Pleaders and Standing Counsel appearing for the respondents and were directed to inform of this Court passing of the above order to the respondent-authorities, in particular to the 7<sup>th</sup> respondent-authority without awaiting and insisting for furnishing of the order copy.

**SD/- P.PADMANABHA REDDY**  
**ASSISTANT REGISTRAR**

//TRUE COPY//

**SECTION OFFICER**

To,

1. The Chief Secretary, Telangana Secretariat, Hyderabad, Telangana -500022.
2. The Prl. Secretary, Irrigation Department, Telangana Secretariat, Hyderabad, Telangana -500022.
3. The Prl. Secretary, MA & UD Department, Telangana Secretariat, Hyderabad, Telangana - 500022.
4. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex Tank Bund Road, Lower Tank Bund, Hyderabad 500063.
5. The Zonal Commissioner, Serilingampally Zone, CC Complex Tank Bund Road, Lower Tank Bund, Hyderabad - 500063.

6. The Engineer-in-Chief, O/o. Engineer-in-Chief, I & CAD Department, Jalsoudha Building, Errum Manzil, Hyderabad.
7. The Commissioner HYDRAA, Hyderabad Disaster Response and Asset Protection Agency (HYDRAA), Telangana Secretariat, Hyderabad, Telangana – 500022.

**(Addresses 1 to 7 by RPAD)**

8. One CC to Sri. P Sri Raghuram, Advocate [OPUC]
9. One CC to Sri. M.A.K. Mukheed, Advocate [OPUC]
10. One CC to Sri. K. Ravinder Reddy, Advocate [OPUC]
11. One CC to Additional Advocate General, High Court at Hyderabad. [OUT]
12. Two CCs to GP For Irrigation, High Court at Hyderabad. [OUT]
13. One spare copy

**SP**

HIGH COURT

TVK,J

DATED:24/08/2024

**Note: List On 09.09.2024 In The Daily List -I**

ORDER

I.A.No.1 OF 2024  
IN  
WP.No.23421 of 2024



***STATUS QUO***

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

**MAIN CASE NO. W.P.No.23499 of 2024**  
**PROCEEDING SHEET**

SL. NO		ORDER	OFFICE NOTE
	28.08.2024	<p><b><u>KL,J</u></b></p> <p><i>Prima facie</i>, the impugned notice dated 03.08.2024 issued by respondent No.6 is a final order. Petitioner was not put on notice and opportunity was not even afforded to her. There is no consideration of report dated 02.06.2022 submitted by the Committee constituted by the Government <i>vide</i> G.O.Rt.No.851 MA&amp;UD, dated 16.10.2018 and order dated 13.10.2015 in W.P.No.34080 of 2015.</p> <p>In the light of the same, matter requires examination.</p> <p>Therefore, there shall be interim suspension of impugned notice No.B/1083/2024-14, dated 03.08.2024 of respondent No.6.</p> <p>List on 05.09.2024 immediately after fresh matters.</p> <p style="text-align: right;"><b>KL,J</b></p> <p style="text-align: right;">Pvt</p>	

[ 3418 ]

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

THURSDAY, THE TWENTY NINTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J SREENIVAS RAO**

**WRIT PETITION NOs: 23294, 23297, 23301, 23306, 23307, 23308,  
23310 OF 2024**

**WRIT PETITION NO: 23294 OF 2024**

**Between:**

1. Mr. M. Narsimha Raju, s/o Sri N. TirupathiRaju, aged about 82 years, occupation. Service, Resident of Plot No. 171, Kavuri Hills, Block-B, Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana - 500033
2. Smt. G. Radha, w/o G. Appala Raju, aged about 59 years, occupation. Housewife, Resident of Plot No. 171, Kavuri Hills, Block-B, Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana - 500033

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Having office at Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Telangana.
3. The Deputy Collector and Tahsildar, Serilingampally Mandal, Ranga Reddy District, Telangana.
4. The Mandal Surveyor, Serilingampally Mandal, Ranga Reddy District, Telangana.
5. Hyderabad Disaster Response and Asset Protection Agency (HYDRA), c/o Municipal Administration and Urban Development rep by its Commissioner, Secretariat, Hyderabad.

**...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 writ order or orders more particularly one of Writ of Mandamus.-

- i. to set aside the impugned notice vide ref no. B/1083/2024-61, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3, by declaring the same as illegal, arbitrary, and violative of principles of natural justice and contrary to articles 14, 21 and 300-A of the constitution of India,
- ii. Consequently, consequently direct the Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar plus 5 Floors, constructed on land admeasuring 500 square yards, with house bearing no. 3-171/101, 201, plot no. 171, situated in survey no. 43/P, 44/P, 45, 46 and 48, situated at Kavuri Hills, Block-E, Guttala Begumpet Village, Serilingampally Mandal Ranga Reddy District, Hyderabad, Telangana belonging to the Petitioner.

#### **IA NO: 1 OF 2024**

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 Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar + 5 Floors, constructed on land admeasuring 500 square yards, with house bearing no. 3-171/101, 201, plot no. 171, situated in survey no. 43/P, 44/P, 45,46 and 48, situated at "Kavuri Hills", Block-B, Guttala Begumpet Village, SerilingampallyMandal, Ranga Reddy District, Hyderabad, Telangana until pending disposable of the main writ.

#### **IA NO: 2 OF 2024**

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 all further proceedings in pursuant to the impugned notice bearing ref no. B/1083/2024-61, dated 03.08.2024, issued under section 23 of the AP water,



Land and Trees Act 2002, issued by the Respondent No.3, until pending disposable of the main writ.

**Counsel for the Petitioners: SRI VIVEK JAIN, REPRESENTING  
SRI BHARATH REDDY BOMMINENI**

**Counsel for the Respondent No.1 to 4: SRI A. SUDARSHAN REDDY,  
ADVOCATE GENERAL**

**Counsel for the Respondent No.5: SRI K. NARENDER REDDY,  
S.C. FOR HYDRA**

**WRIT PETITION NO: 23297 OF 2024**

**Between:**

C. Vinitha Reddy, D/o Sri.Venkata Reddy aged about 57 years, occupation. Housewife, Resident of House No. 8-3-318/9/4, Jaya Prakash Nagar Srinagar colony Hyderabad, Telangana - 500073. Rep by G.P.A Holder C.Mallamma

**...PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Having office at Secretariat, Hyderabad.
2. The District Collector., Ranga Reddy District, Telangana.
3. The Deputy Collector and Tahsildar, SerilingampallyMandal, Ranga Reddy District, Telangana.
4. The Mandal Surveyor, SerilingampallyMandal, Ranga Reddy District, Telangana.
5. Hyderabad Disaster Response and Asset Protection Agency (HYDRA), Hyderabad Disaster R c/o Municipal Administration and Urban Development rep by its Commissioner, Secretariat, Hyderabad.

**...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 writ order or orders more particularly one of Writ of Mandamus.-

- i. to set aside the impugned notice vide ref no.B/1083/2024/55, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3, by declaring the same as illegal, arbitrary, and violative of principles of natural justice and contrary to articles 14, 21 and 300-A of the constitution of India,

- ii. Consequently, direct the Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar plus 5 Floors, with total area admeasuring 10338.9 sft, constructed on land admeasuring 500 square yards, with house bearing no 1-66/4/ 67, plot no. 167, situated in survey no. 43/P, 44/P, 45,46 and 48. situated at Kavuri Hills, Block-B, Guttala Begumpet Village, SerilingampallyMandal, Ranga Reddy District, Hyderabad, Telangana, belonging to the Petitioner.

**IA NO: 1 OF 2024**

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 Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar + 5 Floors, with total area admeasuring 10338.9 sft, constructed on land admeasuring 500 square yards, with house bearing no.1-66/4/167, plot no. 167, Guttala Begumpet Village, SerilingampallyMandal, Ranga Reddy District, Hyderabad, Telangana until pending disposal of the main writ.

**IA NO: 2 OF 2024**

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 all further proceedings in pursuance to the impugned notice vide ref of no. B/1083/2024-55, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3 until pending disposal of the main writ.

**Counsel for the Petitioners: SRI VIVEK JAIN, REPRESENTING  
SRI BHARATH REDDY BOMMINENI**

**Counsel for the Respondent No.1 to 4: SRI A. SUDARSHAN REDDY,  
ADVOCATE GENERAL**

**Counsel for the Respondent No.5: SRI K. NARENDER REDDY,  
S.C. FOR HYDRA**

**WRIT PETITION NO: 23301 OF 2024**

**Between:**

1. Mr. N. Anirudh Reddy, s/o Sri N. Naresh Reddy, aged about 47 years, occupation. Buisness, Resident of Villa No. 27, Lumbini Brookville, Gandipet Main Road, Kokapet, Hyderabad, Telangana- 500075
2. Mr. N. Abhinav Reddy, s/o Sri N. Naresh Reddy, aged about 42 years, occupation. Buisness, Resident of Villa No. 27, Lumbini Brookville, Gandipet Main Road, Kokapet, Hyderabad, Telangana- 500075

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Having office at Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Telangana.
3. The Deputy Collector and Tahsildar, Serilingampally Mandal, Ranga Reddy District, Telangana.
4. The Mandal Surveyor, Serilingampally Mandal, Ranga Reddy District, Telangana.
5. Hyderabad Disaster Response and Asset Protection Agency (HYDRA), c/o Municipal Administration and Urban Development rep by its Commissioner, Secretariat, Hyderabad.

**...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 writ order or orders more particularly one of Writ of Mandamus.-

- i. to set aside the impugned notice vide ref no. B/1083/2024-56, dated 03.08.2024, issued under section 23 of the AP water. Land and Trees Act 2002, issued by the Respondent No.3, by declaring the same as illegal, arbitrary, and violative of principles of natural justice and contrary to articles 14, 21 and 300-A of the constitution of India,
- ii. Consequently, direct the Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar plus 4 Floors, constructed on land admeasuring 500 square yards with house bearing no. 3- 168/NR, plot no. 168, situated in survey no. 43 P. 44/P, 45,46 and 48, situated at Kavuri. Hills, Block-B. Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District Hyderabad, Telangana, belonging to the Petitioner.

**IA NO: 1 OF 2024**

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 Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar + 4 Floors, constructed on land admeasuring 500 square yards, with house bearing no. 3-168/NR, plot no. 168, situated in survey no. 43/P, 44/P, 45, 46 and 48, situated at Kavuri Hills, Block-B, Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana, until pending disposal of the main writ.

**IA NO: 2 OF 2024**

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 all further proceedings in pursuant to the impugned notice bearing ref no. B/1083/2024-56, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3. until pending disposal of the main writ.

**Counsel for the Petitioners: SRI VIVEK JAIN, REPRESENTING  
SRI BHARATH REDDY BOMMINENI**

**Counsel for the Respondent No.1 to 4: SRI A. SUDARSHAN REDDY,  
ADVOCATE GENERAL**

**Counsel for the Respondent No.5: SRI K. NARENDER REDDY,  
S.C. FOR HYDRA**

**WRIT PETITION NO: 23306 OF 2024**

**Between:**

Dr. Jonnalagadda Srikanth Babu, S/o. Late. J.V. Raghavaiah, R/o.7-4-29/5, Neelam Apartments, Ferozguda, Secunderabad Represented by his GPA Holder Smt. Bheemavarapu Rajani W/o Late Bheemavarapu Siva Rama Krishna Reddy

**...PETITIONER**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Having office at Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Telangana.

3. The Deputy Collector and Tahsildar, Serilingampally Mandal, Ranga Reddy District, Telangana.
4. The Mandal Surveyor, Serilingampally Mandal, Ranga Reddy District, Telangana.
5. Hyderabad Disaster Response and Asset Protection Agency (HYDRA), C/o Municipal Administration and Urban Development rep by its Commissioner, Secretariat, Hyderabad.

### ...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 writ order or orders more particularly one of Writ of Mandamus.-

- i. to set aside the impugned notice vide ref no. B/1083/2024-58, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3, by declaring the same as illegal, arbitrary, and violative of principles of natural justice and contrary to articles 14, 21 and 300-A of the constitution of India
- ii. Consequently, direct the Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar + Ground + 5 Floors, constructed on land admeasuring 500 square yards, with house bearing no. 3-169/GR/101, 102, 301 and 302, plot no. 169, situated in survey no. 43/P, 44/P, 45,46 and 48, situated at Kavuri Hills, Block-B, GuttalaBegumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana, belonging to the Petitioner.

### IA NO: 1 OF 2024

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 Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar + Ground + 5 Floors, constructed on land admeasuring 500 square yards, with house bearing no. 3-169/GR/101, 102, 301 and 302, plot no. 169, situated in survey no. 43/P, 44/P, 45,46 and 48, situated at Kavuri Hills, Block-B, Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana, until pending disposal of the main writ.

**IA NO: 2 OF 2024**

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 all further proceedings in pursuance to the impugned notice vide ref no. B/1083/2024-58, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3 until pending disposal of the main writ.

**Counsel for the Petitioners: SRI VIVEK JAIN, REPRESENTING  
SRI BHARATH REDDY BOMMINENI**

**Counsel for the Respondent No.1 to 4: SRI A. SUDARSHAN REDDY,  
ADVOCATE GENERAL**

**Counsel for the Respondent No.5: SRI K. RAVINDER REDDY,  
S.C. FOR HYDRA**

**WRIT PETITION NO: 23307 OF 2024****Between:**

Mr. Maddisetty Muralidhar Rao, S/o M. V. Narsaiah, aged about 68 years, occupation business, resident of 6- 1- 190/25/2, Padma Rao Nagar. Secunderabad - 500025.

**...PETITIONER****AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Having office at Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Telangana.
3. The Deputy Collector and Tahsildar, Serilingampally Mandal Ranga Reddy District, Telangana.
4. The Mandal Surveyor, Serilingampally Mandal, Ranga Reddy District, Telangana.
5. Hyderabad Disaster Response and Asset Protection Agency (HYDRA), C/o Municipal Administration and Urban Development rep by its Commissioner, Secretariat, Hyderabad.

**..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 writ order or orders more particularly one of Writ of Mandamus –

- i. to set aside the impugned notice vide ref no. B/1083/2024- 57, dated 03.08. 2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No. 3, by declaring the same as illegal, arbitrary, and violative of principles of natural justice and contrary to articles 14, 21 and 300- A of the constitution of India
- ii. Consequently, direct the Respondent No. 3 and 4 to stop demolition or removal of structures pertaining to the building comprising of Cellar (plus) 5 Floors, with total area admeasuring 16945 sft, constructed on land admeasuring 500 square yards, with house bearing no. 3- 179/NR, plot no. 179, situated in survey no. 43/P, 44/P, 45,46 and 48, situated at Kavuri Hills, Block- B, Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana, belonging to the Petitioner.

**IA NO: 1 OF 2024**

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 Respondent No. 3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar + 5 Floors, with total area admeasuring 16945 sft, constructed on land admeasuring 500 square yards, with house bearing no. 3- 179/NR, plot no. 179, situated in survey no. 43/P, 44/P, 45,46 and 48, situated at Kavuri Hills, Block-B, GuttalaBegumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana, until pending disposable of the main writ.

**IA NO: 2 OF 2024**

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 all further proceedings in pursuant to the impugned notice bearing ref no. B11083/2024-57, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by- the Respondent No. 3, until pending disposable of the main writ.

**Counsel for the Petitioners: SRI VIVEK JAIN, REPRESENTING  
SRI BHARATH REDDY BOMMINENI**

**Counsel for the Respondent No.1 to 4: SRI A. SUDARSHAN REDDY,  
ADVOCATE GENERAL**

**Counsel for the Respondent No.5: SRI K. NARENDER REDDY,  
S.C. FOR HYDRA**

**WRIT PETITION NO: 23308 OF 2024**

**Between:**

1. Mr.Chinchode Abhimanyu Reddy, s/o. Sri. ChinchodeGridhar Reddy, aged about 38 years, occupation. business,
2. Mrs. ChinchodeJayamala Reddy, w/o. Sri. ChinchodeGridhar Reddy, aged about 68 years, occupation. business,

Both residents of 6-3-631, Sridhar Function Plaza, ZillaParishad Lane, Anand Nagar Colony, Khairatabad, Hyderabad - 500004.

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Having office at Secretariat, Hyderabad.
2. The District Collector., Ranga Reddy District, Telangana.
3. The Deputy Collector and Tahsildar, SerilingampallyMandal, Ranga Reddy District, Telangana.
4. The Mandal Surveyor, Serilingampally Mandal, Ranga Reddy District, Telangana.
5. Hyderabad Disaster Response and Asset Protection Agency (HYDRA), c/o Municipal Administration and Urban Development rep by its Ccmmissioner, Secretariat, Hyderabad.

**...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 writ order or orders more particularly one of Writ of Mandamus.-

- i. to set aside the impugned notice vide ref no. B/1083/2024-60, dated 03/08/2024, issued under section 23 of the AP water. Land and Trees Act 2002, issued by the Respondent No.3, by declaring the same as illegal, arbitrary and violative of principles of natural justice and contrary to articles 14, 21 and 300-A of the constitution of India



- ii. Consequently, direct the Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of 1 Stilt Plus 4 Floors, with total area admeasuring 12000sft, constructed on land admeasuring 500 square yards, with house bearing no. 1-89/4/1 t on plot no. 170, situated in survey no. 43/P, 44/P, 45,46 and 48, situated at Kavuri Hills , Block-B, GuttalaBegumpet Village, SerilingampallyMandal, Ranga Reddy District, Hyderabad, Telangana, belonging to the Petitioner.

**IA NO: 1 OF 2024**

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 all further proceedings in pursuance to the impugned notice vide ref no. B/1083/2024-60, dated 03/08/2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3 until pending disposal of the main writ.

**IA NO: 2 OF 2024**

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 Respondent No.3 and 5 to stop demolition or removal of structures pertaining to the building comprising of 1 Stilt + 4 Floors, with total area admeasuring 12000sft, constructed on land admeasuring 500 square yards, with house bearing no. 1-89/4/11 on plot no. 170, situated in survey no. 43/P, 44/P, 45,46 and 48, situated at "Kavuri Hills", Block-B, Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana until pending disposal of the main writ.

**Counsel for the Petitioners: SRI VIVEK JAIN, REPRESENTING  
SRI BHARATH REDDY BOMMINENI**

**Counsel for the Respondent No.1 to 4: SRI A. SUDARSHAN REDDY,  
ADVOCATE GENERAL**

**Counsel for the Respondent No.5: SRI K. NARENDER REDDY,  
S.C. FOR HYDRA**

**WRIT PETITION NO: 23310 OF 2024****Between:**

Mr. Mohan Sagar, S/o. Sri.Bobba Krishna Sagar, Aged about 41 years, Occ-Business, R/o. 406, Quiescent heights, RahejaMins Space, Madhapur, Hyderabad-500081

**...PETITIONER****AND**

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department Having office at Secretariat, Hyderabad
2. The District Collector, Ranga Reddy District, Telangana.
3. The Deputy Collector, and Tahsildar, Serilingampally Mandal, Ranga Reddy District, Telangana.
4. The Mandal Surveyor, Serilingampally Mandal, Ranga Reddy District, Telangana.
5. Hyderabad Disaster Response and Asset Protection Agency (HYDRA), c/o Municipal Administration and Urban Development rep by its Commissioner, Secretariat, Hyderabad.

**...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 writ order or orders more particularly one of Writ of Mandamus-

- i. to set aside the impugned notice vide ref no. B/1033/2024-62, dated 03.08.2024, issued under section 23 of the AP water, Land and Trees Act 2002, issued by the Respondent No.3, by declaring the same as illegal, arbitrary, and violative of principles of natural justice and contrary to articles 14, 21 and 300-A of the constitution of India
- ii. Consequently, direct the Respondent Nos. 3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar plus 5 Floors, constructed on land admeasuring 500 square yards, with house bearing no. 3-181/NR, plot no. 181, situated in survey no. 43/P, 44/P, 45, 46 and 48, situated at Kavuri Block-B, Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad, Telangana, belonging to the Petitioner.

**IA NO: 1 OF 2024**

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 all further proceedings in pursuance to the impugned notice vide ref no. B/1083/2024-62, dated 03.08.2024, issued under section 23 of the AP Water, Land and Trees Act 2002, issued by the Respondent No.3 until pending disposal of the main writ.

**IA NO: 2 OF 2024**

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 Respondent Nos 3 and 5 to stop demolition or removal of structures pertaining to the building comprising of Cellar + 5 Floors, constructed on land admeasuring 500 square yards, with house bearing no. 3-181/NR, plot no. 181, situated in survey no. 43/P, 44/P, 45,46 & 48, situated at Kavuri Hills, Block-B, Guttala Begumpet Village, SerilingampallyMandal, Ranga Reddy District, Hyderabad, Telangana, until pending disposal of the main writ.

**Counsel for the Petitioners: SRI VIVEK JAIN, REPRESENTING  
SRI BHARATH REDDY BOMMINENI**

**Counsel for the Respondent No.1 to 4: SRI A. SUDARSHAN REDDY,  
ADVOCATE GENERAL**

**Counsel for the Respondent No.5: SRI K. NARENDER REDDY,  
S.C. FOR HYDRA**

**The Court made the following: COMMON ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT PETITION Nos.23294, 23297, 23301, 23306,**  
**23307, 23308 and 23310 of 2024**

**COMMON ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Vivek Jain, learned counsel representing  
Mr. B.Bharath Reddy, learned counsel for the petitioners.

Mr. A.Sudarshan Reddy, learned Advocate General  
for the respondents.

2. With the consent of the parties the matters are heard  
finally.

3. The common issue is with regard to the notice issued  
to the petitioners under Section 23 of the Andhra Pradesh  
Water, Land and Trees Act, 2002 (hereinafter referred to as  
"the Act"). Therefore, the writ petitions are heard together  
and are being decided by this common order.

4. For the facility of reference, the facts in W.P.No.23294 of 2024 are being referred to.

5. In this writ petition, the petitioners, *inter alia*, have assailed the impugned notice dated 03.08.2024 issued by the Deputy Collector and Tahsildar under Section 23 of the Act.

6. Facts giving rise to filing of the writ petition briefly stated are that the petitioners claim to be owners and in possession of Plot No.171 of Guttala Begumpet Village, Serilingampally Mandal, Ranga Reddy District. The petitioners claim to have purchased the aforesaid plot vide registered sale deed dated 27.06.1998. It is the case of the petitioners that the aforesaid property is part of layout comprising 280 plots developed on total land of Acs.58.08 guntas.

7. The Deputy Collector and Tahsildar issued a notice under Section 23 of the Act by which the petitioners were informed that as per the directions of the District Collector, the structures have been identified which fall under the

Full Tank Level. The petitioners, therefore, were directed to remove the structures/encroachments within the Full Tank Level of Durgam Cheruvu within a period of thirty days from the date of receipt of the notice, failing which action shall be taken for removal of the structures/encroachments. Hence the writ petitions.

8. Learned counsel for the petitioners has raised a singular contention that neither any notice nor an opportunity of hearing was afforded to the petitioners before directing removal of encroachments/structures raised by the petitioners. It is further submitted that the impugned action has been initiated in flagrant violation of principles of natural justice and therefore the impugned notices cannot be sustained in the eye of law.

9. On the other hand, learned Advocate General fairly submitted that the impugned notices issued under Section 23 of the Act be treated as show cause notices and the petitioners be granted the liberty to submit the response to the aforesaid notices within a fixed time limit. The authority thereafter shall consider the reply which may be

submitted by the petitioners and after affording an opportunity of hearing to the petitioners, the authority shall proceed to deal with the matter in accordance with law.

10. We have heard learned counsel for the parties and have perused the record.

11. Though the communications dated 03.08.2024 were styled as notices, however, in the operative portion of the same, the petitioners have been directed to remove the structures/encroachments within the Full Tank Level. Thus, the aforesaid issue has been determined without affording any opportunity of hearing to the petitioners.

12. Therefore, in the peculiar facts of the case, it is directed that the notices dated 03.08.2024 issued by the Deputy Collector and Tahsildar under Section 23 of the Act shall be treated as show cause notices. The petitioners shall file their reply to the aforesaid notices within a period of two weeks from today. The Deputy Collector and Tahsildar thereafter shall afford an opportunity of hearing

to the petitioners and shall proceed with the matter in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case.

13. Accordingly, the writ petitions are disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/- MOHD. ISMAIL  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Having office at Secretariat, Hyderabad.
2. The District Collector., Ranga Reddy District, Telangana.
3. The Deputy Collector and Tahsildar, Serilingampally Mandal, Ranga Reddy District, Telangana.
4. The Mandal Surveyor, Serilingampally Mandal, Ranga Reddy District, Telangana.
5. The Commissioner, Hyderabad Disaster Response and Asset Protection Agency (HYDRA), c/o Municipal Administration and Urban Development, Secretariat, Hyderabad.
6. One CC to SRI BHARATH REDDY BOMMINENI, Advocate [OPUC]
7. Two CCs to SRI A. SUDARSHAN REDDY, Advocate General, High Court for the State of Telangana at Hyderabad [OUT]
8. One CC to SRI K. NARENDER REDDY, S.C. for HYDRA [OPUC]
9. One CC to SRI K. RAVINDER REDDY, S.C. for HYDRA [OPUC]
10. Two CD Copies

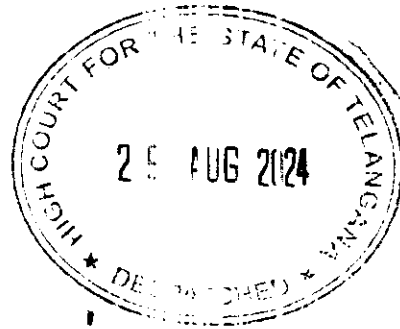
MP  
PSK 3



CC TODAY

HIGH COURT

DATED: 29/08/2024



COMMON ORDER

W.P. NOs: 23294, 23297, 23301, 23306, 23307, 23308,  
23310 OF 2024

DISPOSING OF THE WRIT PETITIONS

WITHOUT COSTS

(13) Copies  
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29/8/24