

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

MONDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 24208 OF 2024

Between:

Smt. M. Sridevi, W/o. M.Prakash Reddy, aged about 53 years, Occ .
Housewife, R/o. H.No. 8-3-230/B/37, Sravanthinagar Colony, Venkatagiri,
Yousufguda, Hyderabad, Telangana - 500 045.

...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 a Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice bearing No.B/1083/2024-19 dated 03.08.2024 issued by the respondent no.3 under Section 23 of the AP Water, Land and Trees Act, 2002 as illegal, arbitrary and in violation of Principles of Natural Justice and contrary to Articles 14, 21 and 300-A of the Constitution of India and set-aside the same and consequently direct the respondent nos. 2 to 5 not to demolish or remove the structures in respect of open plot bearing nos. 119, 120 and 121 admeasuring 900 sq. yards situated in Survey no. 47, of Amar Co-Operative Housing Society Limited, Guttala Begumpet Village,

Serilingampally Mandal, under the limits of GHMC Serilingampally Circle, Ranga Reddy District, Telangana State

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 respondents nos. 2 to 5 not to demolish or remove the structures in respect of open plot bearing nos. 119, 120 and 121 admeasuring 900 sq. yards situated in Survey no. 47, of Amar Co-Operative Housing Society Limited, Guttala Begumpet Village, Serilingampally Mandal, under the limits of GHMC Serilingampally Circle, Ranga Reddy District, Telangana State forthwith pending disposal of the above writ petition

Counsel for the Petitioner: SRI E. AKASJ REDDY REP SRI S. SRIDHAR

**Counsel for the Respondents: SRI A. SUDARSHAN REDDY,
ADVOCATE GENERAL /GP FCR REVENUE**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.24208 of 2024

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

Mr. E.Akash Reddy, learned counsel representing
Mr. S.Sridhar, learned counsel for the petitioner.

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

2. With the consent of the parties, the matter is
heard finally.

3. The issue in this petition is with regard to the
notice issued to the petitioner under Section 23 of the
Andhra Pradesh Water, Land and Trees Act, 2002
(hereinafter referred to as "the Act").

4. In this writ petition, the petitioner, *inter alia*,
has assailed the impugned notice dated 03.08.2024 issued

by the Deputy Collector and Tahsildar under Section 23 of the Act.

5. Facts giving rise to filing of the writ petition briefly stated are that the petitioner claims to be owner and in possession of open plot bearing Nos.119, 120 and 121 admeasuring 900 square yards, situated in Survey No.47 of Amar Cooperative Housing Society Limited, Guttala Begumpet Village, Serilingampally Mandal, under the limits of Greater Hyderabad Municipal Corporation Serilingampally Circle, Ranga Reddy District. The petitioner claims to have purchased the aforesaid plots *vide* two sale deeds dated 17.08.2019.

6. The Deputy Collector and Tahsildar issued a notice under Section 23 of the Act, by which the petitioner was informed that as per the directions of the District Collector, the structures have been identified which fall under the Full Tank Level. The petitioner, therefore, was 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 petition.

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

8. On the other hand, learned Advocate General fairly submitted that the impugned notice issued under Section 23 of the Act be treated as show cause notice and the petitioner be granted the liberty to submit the response to the aforesaid notice within a fixed time limit. The authority thereafter shall consider the reply which may be submitted by the petitioner and after affording an opportunity of hearing to the petitioner, the authority shall proceed to deal with the matter in accordance with law.

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

10. Though the communication dated 03.08.2024 was styled as notice, however, in the operative portion of the same, the petitioner has 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 petitioner.

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

12. Accordingly, the Writ Petition is disposed of.

::5::

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

**SD/-C. PRAVEEN KUMAR
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department having office at Secretariat, T.S., 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. S. SRIDHAR, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CCs to ADVOCATE GENERAL High Court for the State of Telangana, at Hyderabad [OUT]
9. Two CD Copies

B M
BS

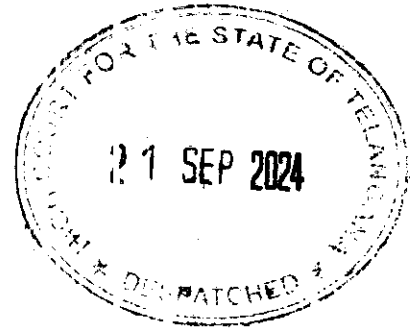


HIGH COURT

DATED:09/09/2024

ORDER

WP.No.24208 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

13
18/09/24
BK