

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

FRIDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 29784 OF 2011

Between:

M.K.Baig, S/o Late M.D.A. Baig, Aged about 70 years, Occupation Business,
Resident of 11-5-548, Red Hills, Hyderabad, A.P.

...PETITIONER

AND

1. The State of Andhra Pradesh, represented by the Principal, Secretary in the Department of Revenue, Government of A.P. at Hyderabad, A.P.
2. The State of Andhra Pradesh, represented by the Affairs, rep.by Secretary in the Department of Municipal Administration, Government of A.P. at Hyderabad, A.P.
3. The District Collector, Hyderabad District, Hyderabad A.P.
4. The Commissioner of the Greater Hyderabad Municipal, Corporation, Tank Bund, Hyderabad, A.P.
5. The Zonal Commissioner, GHMC, Khairtabad, Hyderabad, A.P.
6. The Tahsildar, Nampally Mandal, Nampally, Hyderabad, A.P.

...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, particularly in the nature of Mandamus to the respondents herein to demolish the road encroachments on the road abutting the Red Hills Hillock, particularly bearing Municipal Nos. 11-5-489 to 11-5-531 adjacent to the Red Hills Garden and Water Reservoir.

I.A. NO: 1 OF 2011(WPMP. NO: 36895 OF 2011)

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 grant protection to protect the life, liberty and modesty of the petitioners and their families tenants and neighbours.

Counsel for the Petitioner : SRI SAROSH SAM BASTAWALA

Counsel for the Respondents No.1,3&6: GP FOR REVENUE

Counsel for the Respondents No.2: GP FOR MUNICIPAL ADMN & URBAN DEV

**Counsel for the Respondents No.4&5 : SRI R.RADHA KRISHNA REDDY,
(SC FOR GHMC)**

Counsel for the Respondent No.7 : SRI K.VIJAYA KUMAR REDDY

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.29784 of 2011

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

None for the petitioner.

Mr. Mohd. Imran Khan, learned Additional Advocate General appears for the State.

2. In this Writ Petition, the petitioner is aggrieved by the action of the respondents to demolish the road encroachments on the road abutting the Red Hills Hillock, particularly bearing Municipal Nos.11-5-489 to 11-5-531 adjacent to the Red Hills Garden & Water Reservoir.

3. We have heard the learned Additional Advocate General and perused the record.

4. In the facts and circumstances of the case, we issue the following directions:

- i) The Zonal Commissioner, Greater Hyderabad Municipal Corporation (GHMC), Khairtabad, shall issue notice to the petitioner as well as any other

person who may be in occupation of the subject land;

- ii) The Zonal Commissioner shall carry out survey so as to ascertain the encroachment on the subject land and shall afford an opportunity of hearing to all the parties and shall permit them to furnish documents, if any, in support of their claim;
- iii) In case the subject land is found to be a Government land, the Zonal Commissioner shall initiate action for removal of the encroachment in accordance with law.
- iv) The aforesaid exercise shall be carried out by the Zonal Commissioner within four (4) months from today.

5. Learned Additional Advocate General undertakes that in case any encroachment is found in existence on the subject land, assistance of the police shall be provided to GHMC for removal of such encroachment.

6. Needless to state that any person aggrieved by an order directing removal of encroachment shall be at liberty to take recourse to such remedy as may be available to him in law.

7. Accordingly, the Writ Petition is disposed of.

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

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

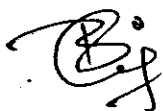
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SECTION OFFICER

To,

1. The Principal, Secretary in the Department of Revenue, Government of A.P. at Hyderabad, State of Andhra Pradesh, A.P.
2. The Secretary in the Department of Municipal Administration, Government of A.P. at Hyderabad, State of Andhra Pradesh, represented by the Affairs, A.P.
3. The District Collector, Hyderabad District, Hyderabad A.P.
4. The Commissioner of the Greater Hyderabad Municipal, Corporation, Tank Bund, Hyderabad, A.P.
5. The Zonal Commissioner, GHMC, Khairtabad, Hyderabad, A.P.
6. The Tahsildar, Nampally Mandal, Nampally, Hyderabad, A.P.
7. The Vice-Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Gruhakalpa Buildings, Exhibition Grounds Road, Hyderabad - 500001. A.P.
8. One CC to SRI SAROSH SAM BASTAWALA, Advocate. [OPUC]
9. One CC to SRI K.VIJAYAKUMAR REDDY, Advocate. [OPUC]
10. One CC to SRI R.RADHA KRISHNA REDDY, (SC FOR GHMC). [OPUC]
11. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
12. Two CCs to GP FOR MUNICIPAL ADMN & URBAN DEV, High Court for the State of Telangana. [OUT]
13. Two CD Copies.

BSK
GJP



HIGH COURT

DATED:23/08/2024



ORDER

WP.No.29784 of 2011

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(17)
19/09/24
b:k