

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

THURSDAY, THE THIRD DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

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

**WRIT PETITION NO: 26594 OF 2024**

**Between:**

Sri. Narendra Shukla, S/o. Sri Narayan Prasad, Aged about 61 Years, Occ Service, R/o. H. No. 3-5, Plot No. 98, Sy. No. 47, Amar Co-op. Housing Society, Guttala Begumpet village, Serilingampally Mandal, GHMC Serilingampally Circle, Telangana State.

**...PETITIONER**

**AND**

1. The State of Telangana, Revenue Department, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District, Office at Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District 503 510.
3. The Deputy Collector and Tahsildar, Serilingampally (V) and Mandal, Serilingampally, R.R. 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 in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in issuing impugned order No. B/1083/2024-117 dated 03/08/2024 labeling it as Notice, thereby directing the predecessor of the Petitioner to remove the structures on H.No.3-5, Ground + 1 Floor, Plot No. 98 admeasuring 273 Sq. Yards = 228.22 Sq. Mtrs., in Sy. No. 47 situated at Amar Co-op, Housing Society, Guttala Begumpet village, Serilingampally Mandal, GHMC Serilingampally Circle, Telangana State, on the ground that the structures are falling within FTL and Buffer Zone of Durgam Cheruvu Water Body, without a show cause notice, and

without giving any opportunity of defending themselves, that too, when the constructions over the property were made way back in the year 2000 itself, on the HUDA approved layout and construction permissions obtained by the predecessor in title, as arbitrary and illegal, violates the Principles of Natural Justice, contravene Article 14 and 20 (1) of the Constitution of India and set aside the same with a consequential direction to the 3rd Respondent not to demolish the structures over the said property 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 3rd Respondent not to demolish the structures of the Petitioners over H. No. 3-5, Ground + 1 Floor, Plot No. 98, admeasuring 273 Sq. Yards = 228.22 Sq. Mtrs., in Sy. No. 47, situated at Amar Co-op. Housing Society, Guttala Begumpet village, Serilingampally Mandal, GHMC Serilingampally Circle, Telangana State, by suspending the impugned notice dated 3/3/2024 in Proc No. B/1083/2024-117 of the 3rd Respondent, during the pendency of the writ petition.

**Counsel for the Petitioner: SRI N.GANGADHAR**

**Counsel for the Respondents: SRI MURALIDHAR REDDY KATRAM,  
GP FOR 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.26594 of 2024**

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

Mr. N.Gangadhar, learned counsel for the petitioner.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondents.

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

3. 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 Andhra Pradesh Water, Land and Trees Act, 2002 (hereinafter referred to as "the Act").

4. Facts giving rise to filing of the writ petition briefly stated are that the petitioner claims to be the owner and in possession of H.No.3-5, Ground+1 Floor, Plot No.98, measuring 273 square yards = 228.22 square metres in Survey No.47 situated at Amar Co-operative Housing

Society, Guttala Begumpet Village, Serilingampally Mandal, GHMC Serilingampally Circle, Telangana. The petitioner claims to have purchased the aforesaid property vide registered sale deed dated 08.10.1999.

5. 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.

6. Learned counsel for the petitioner has raised a singular 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.

7. On the other hand, learned Government Pleader for Revenue 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.

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

9. 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.

10. 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 the show cause notice. The petitioner shall file his 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.

11. Accordingly, the writ petition is disposed of.

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

SD/- T.VIJAY KUMAR  
ASSISTANT REGISTRAR  
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, Secretariat, Hyderabad, State of Telangana.
2. The District Collector, Ranga Reddy District, Office at Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District 503 510.
3. The Deputy Collector and Tahsildar, Serilingampally (V) and Mandal, Serilingampally, R.R. District.
4. One CC to SRI N.GANGADHAR, Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

BSR  
BS

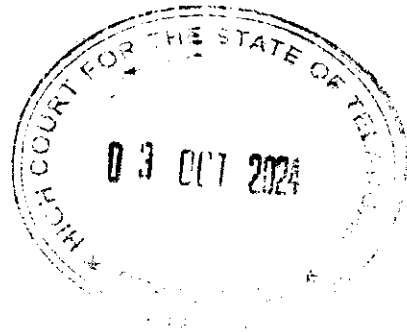
CC TODAY

HIGH COURT

DATED: 03/10/2024

ORDER

WP.No.26594 of 2024



DISPOSING OF THE WRIT PETITION,  
WITHOUT COSTS

(9)

MBc  
3/10