IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 97 OF 2025

Writ Appeal under clause 15 of the Letters Patent against the Order dated 23/12/2024 in W.P No. 36033 of 2024 on the file of the High Court.

Between:

Koshika Raju, S/o Mallaiah Aged about 32 years, Occ. Agricuture, R/o H. No. 4-105/6/4, Sriramnagar Colony, Turkayamjal Municipality, Abdullapurmet Mandal, R.R. District.

...APPELLANT

AND

1. The State of Telangana, Rep., by its Principal Secretary, Municipal Adminsitration and Urban Development, Secretariat, Hyderabad.
2. The Hyderabad Metropolitan Development Authority, Rep., by its Commissioner, O/o Ameerpet, Hyderabad.
3. The District Collector, Ranga Reddy District.
4. The Turkayamjal Municipality, Ranga Reddy District, Rep., by its Commissioner.
5. The Tahsildar, Abdullapurmet Mandal, R. R. District.
6. Gurram Rama Krishna Reddy, S/o Narasimha Reddy Aged about 50 years, Occ. Business, Rio Plot No. 59, Balaji nagar, Kharmangahat, Saroornagar Mandal, R. R. District.
7. Gunda Mahesh, S/o Srisailam Aged about 34 years, Occ. Business, Rio H. No. 4-105/9/A/5, Sriram Nagar Colony, Turkayamjal Municipality, Abdullapurmet Mandal, R. R. District.
8. Bandi Ashok, S/o Ramulu Aged about 35 years, occ. Business. R/o H. No. 4-80/2, Mailargudem, Saidapur, Yadadri-Bhongiri District.
9. Banne Beerappa, S/o Mallaiah, Aged about 44 years, occ. Business, R/o Plot no. 9, Durga Nagar colony, Road no. 14/1, Bhairamalguda, Saroorngar Mandal, R. R. District.

...RESPONDENTS

IA NO: 1 OF 2025

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 official Respondents to take necessary action on the layout of the Respondents No. 6 to 9 in respect of Petitioner's agriculture land Ac. 0-10gts in Sy no. 242/EEE situated at Turkayamjal Village, Abdullapurmet mandal, R. R. District.

Counsel for the Appellant : SRI RAPOLU BHASKAR

Counsel for the Respondent No.1 : GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2 : SMT.D.MADHAVI, SC FOR HMDA

Counsel for the Respondents No.3&5: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

Counsel for the Respondents No.4: SRI LAXMAIAH KANCHANI, SC FOR MUNICIPALITY

Counsel for the Respondent No.6to9 : --

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.97 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri Rapolu Bhaskar, learned counsel for the appellant and Sri K. Laxmaiah, learned Standing Counsel for respondent No.4.

2. The appellant/writ petitioner prayed for relief before the writ Court for issuing the direction to respondent Nos.2 to 4 for deciding the representations dated 04.07.2023, 05.07.2023 and 14.10.2024. Learned writ Court did not interfere in the writ petition and permitted the appellant to avail the remedy under the civil law.

3. Learned counsel for the appellant submits that as per sub-section (15) of Section 172 of the Telangana Municipalities Act, 2019 (for short, 'the Act'), the aforesaid representations should have been decided by the authorities concerned.

4. It is trite that the writ of mandamus can be issued provided, it is established that there exists an enabling provision for preferring an application/appeal/representation and the corresponding duty on the authorities concerned to decide it (see **Director of Settlements, A.P. v. M.R. Apparao**[1], **Bhartiya**

[1] (2002) 4 SCC 638

Kishan Sangh District Bhind v. Union of India[2], Municipal Corpn. of Greater Mumbai v. Rafiqunnisa M.Khalifa[3] and **Indore Development Authority & Anr. V. Sansar Publication Pvt. Ltd.[4]**).

5. In the instant case, despite repeated query from the Bench, learned counsel for the appellant could not point out any statutory provision which enables the appellant to prefer such a representation and puts a corresponding duty on the authorities to decide it. Sub-section (15) of Section 172 of the Act is not pregnant with any such enabling provision of filing appeal/representation nor does it cast any duty on the authority to entertain and decide such representation. No other provision is brought to our notice. Thus, we find no reason to interfere in this appeal.

6. Accordingly, this Writ Appeal is **dismissed**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-I. NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI RAPOLU BHASKAR, Advocate. [OPUC]
2. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
3. One CC to SMT.D.MADHAVI, SC FOR HMDA. [OPUC]
4. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]

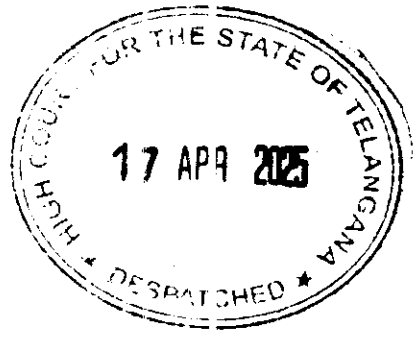
5. One CC to SRI LAXMAIAH KANCHANI, SC FOR MUNICIPALITY/MC. [OPUC]
6. Two CD Copies.

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BS

HIGH COURT

DATED:07/03/2025



JUDGMENT

WA.No.97 of 2025

DISMISSING THE WRIT APPEAL
WITHOUT COSTS

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