

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

**FRIDAY ,THE THIRTEENTH 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 APPEAL NO: 1183 OF 2023

Writ Appeal under clause 15 of the Letters Patent writ appeal preferred against the order dated 05-12-2023 in W.P.No., 33004 of 2023 on the file of the High Court.

Between:

1. B. Ravinder, S/O, B. Shankar Aged. 57 years, Occ. service R/o.2708, Block A, Samadhura Acropolis Nanakramguda, Opp.Marriott Fairfield's V.T.C Gachibowli, Dist.K.V.Rangareddy Telangana - 500 032 Cell. 98499909792.
2. Smt. B. Archana, W/o.B.Ravinder, Aged. 50 years, Occ. House wife R/o.2708, Block A, Samadhura Acropolis Nanakramguda, Opp.Marriott Fairfield's V.T.C Gachibowli, Dist.K.V.Rangareddy Telangana - 500 032

...APPELLANTS/RESPONDENT 7&8

AND

1. Abbineni Srinivas Rao, S/o. Late Sri. A. Ramachander Rao, Aged about 49 years, Occ. Business, R/o. Flat No. 414, Aira Anasuya Heights. Plot Nos. 42 and 43, Masjid Banda, Kondapur Village, Serilingampally Mandal, Ranga Reddy District - 500 084.

....RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, Hyderabad.
3. The Greater Hyderabad Municipal Corporation (GHMC), represented by its commissioner, Tank Bund, Hyderabad.
4. The Chief City Planner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
5. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Serilingampally Zone, Ranga Reddy District.
6. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 20, Serilingampally, Ranga Reddy District.
7. The Assistant City Planner, Greater Hyderabad Municipal Corporation, Circle No. 20, Serilingampally, Ranga Reddy District.

...RESPONDENTS/RESPONDENTS 1to6

IA NO: 2 OF 2023

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 suspend the effect and operation of the order/ Judgement dated 05.12.2023 passed in W.P.No. 33004 of 2023 pending disposal of Writ appeal on the file of this Hon'ble High Court

**Counsel for the Appellant: SRI. C.V. MOHAN REDDY SENIOR COUNSEL
REP SRI DHANANJAYA NAIDU KOLLA**

Counsel for the Respondent No.1: SRI V. RAMAKRISHNA REDDY

**Counsel for the Respondent No.2 : Ms. T. RAJITHA , GP FOR MUNICIPAL
ADMINISTRATION AND URBAN DEVELOPMENT**

**Counsel for the Respondent Nos. 3to7: SRI SARWATH MEHDI KHAN REP
SRI M.A.K. MUKHEED, SC FOR GHMC**

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1183 of 2023

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

Mr. C.V.Mohan Reddy, learned Senior Counsel representing Mr. K.Dhananjaya Naidu, learned counsel for the appellants, appears through video conferencing.

Mr. V.Ramakrishna Reddy, learned counsel for the respondent No.1.

Ms. T.Rajitha, learned Assistant Government Pleader for Municipal Administration and Urban Development Department for the respondent No.2.

Mr. Sarwath Mehdi Khan, learned counsel representing Mr. M.A.K.Mukheed, learned Standing Counsel for the Greater Hyderabad Municipal Corporation for the respondents No.3 to 7.

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

3. This intra court appeal is filed by the appellants against the order dated 05.12.2023 passed by the learned Single Judge in W.P.No.33004 of 2023.

4. Facts giving rise to filing of this appeal briefly stated are that a writ petition was filed by the respondent No.1 challenging the action of the respondents No.3 to 7 in not revoking the building permission obtained by the appellants, despite the issue of show cause notice dated 08.09.2023, and not taking further action on the show cause notice.


5. The learned Single Judge, by an order dated 05.12.2023, *inter alia*, held that in the facts and circumstances of the case, it was not necessary to issue notice to the appellants. The learned Single Judge had disposed of the writ petition with a direction to the authorities to take further action in the matter on

revocation of building permission obtained by the appellants on the ground that their title to the subject property has been found to be defective by the competent court of civil jurisdiction, within a period of two weeks.

6. The learned Senior Counsel for the appellants submits that the impugned direction issued by the learned Single Judge is prejudicial to the interest of the appellants and therefore, the appellants ought to have been heard before passing the impugned order. It is further submitted that there are subsequent events, which the appellants would place on record in the proceeding before the learned Single Judge.

7. On the other hand, the learned counsel for the respondent No.1 has supported the order passed by the learned Single Judge.

8. We have heard the rival submissions made on both sides and have perused the record.



9. The learned Single Judge in paragraph 18 of the order impugned has issued the following directions:

“18. Thus, this Court is of the view that the respondents-authorities 2 to 5 are to be directed to take further action in the matter of revocation of the building permission obtained by the unofficial respondents, on account of their title to the subject property having been found to be defective by the competent Court of civil jurisdiction, within a period of two (02) weeks from the date of receipt of a copy of this order by following due process of law.”

10. Taking into account the fact that there are certain subsequent events, namely filing of an appeal, which are required to be brought to the notice of the learned Single Judge, and in the facts and circumstances of the case, the learned Single Judge ought to have heard the appellants. The impugned order is, therefore, set aside. The learned Single Judge is requested to afford an opportunity of hearing to the respondent No.1 as well as to the appellants and thereafter to deal with the writ petition on merits.

11. Accordingly, the writ appeal is disposed of.

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

SD/- K. SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat Buildings, T.S., Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation (GHMC), Tank Bund, Hyderabad.
3. The Chief City Planner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
4. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Serilingampally Zone, Ranga Reddy District.
5. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No. 20, Serilingampally, Ranga Reddy District.
6. The Assistant City Planner, Greater Hyderabad Municipal Corporation, Circle No. 20, Serilingampally, Ranga Reddy District.
7. One CC to SRI. DHANANJAYA NAIDU KOLLA, Advocate [OPUC]
8. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana, at Hyderabad [OUT]
9. One CC to SRI. V. RAMAKRISHNA REDDY, Advocate [OPUC]
10. One CC to SRI. M.A.K. MUKHEED, SC FOR GHMC [OPUC]
11. Two CD Copies

B M
GJP

[Handwritten signature]

HIGH COURT

DATED:13/09/2024

JUDGMENT

WA.No.1183 of 2023



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

(14) vlv
26/9/24