

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

**TUESDAY, THE TENTH 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: 1078 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order dated. 18-03-2024, Passed in WP.No.2865 of 2024 on the file of the High Court.

**Between:**

1. Hyderabad Metropolitan Development Authority HMDA, Rep by its Metropolitan Commissioner, Ameerpet, Hyderabad.
2. Director and Planning Department. Hyderabad Metropolitan Development Authority HMDA

**...APPELLANTS/RESPONDENT No.2 and 3**

**AND**

1. M/s Akshaya Developers, rep by its Managing Partner S Jeevender Reddy S/o S Bal Reddy aged about 40 Years Occ Business R/o 3106/1/2 Bowrampet Village Dundigal Gandimaisamma Mandal Medchal Malkajiri District Telangana State.

**...RESPONDENT/WRIT PETITIONER**

2. The State of Telangana, represented by its Municipal Secretary Municipal Administration and Urban Development Authority MA and UD Department Secretariat Hyderabad
3. Dundigal Municipality, rep by its Commissioner, Medchal Malkajiri District
4. The Hyderabad Growth Corridor Limited (**Not necessary party**), Rep by its Managing Director, Nehru Outer Ring Road Authority, Hyderabad.

**...RESPONDENTS**

**IA NO: 2 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 suspend the order dt. 18.03.2024, passed by the Learned Single Judge in W.P. No. 2865 of 2024.

**Counsel for the Appellants: M/s. D.MADHAVI, SC FOR HMDA**

**Counsel for the Respondent No.1: SRI S.SRIDHAR**

**Counsel for the Respondent No.2: SRI E.VENKATA REDDY,  
GP FOR MCPL ADMN & URBAN DEV.**

**Counsel for the Respondent No.3: SRI B.JAGAN MADHAV RAO, SC FOR MCPL**

**The Court delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**Writ Appeal No.1078 of 2024**

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

Ms. D. Madhavi, learned Standing Counsel for Hyderabad Metropolitan Development Authority (hereinafter referred to as 'HMDA') appears for the appellants.

Mr. S.Sridhar, learned counsel for respondent No.1.

Mr. E.Venkata Reddy, learned Government Pleader for Municipal Administration and Urban Development Department appears for respondent No.2.

Mr. B.Jagan Madhav Rao, learned Standing Counsel for Municipalities appears for respondent No.3.

2. Heard on the question of admission.

3. In this intra court appeal, the appellants- HMDA has assailed the validity of the order dated 18.03.2024, passed by a learned Single Judge by which the writ petition preferred by respondent No.1 *viz.*, W.P.No.2865 of 2024 has been disposed

of with a direction to the appellants to reconsider the application for grant of building permission submitted by respondent No.1.

4. Facts giving rise to filing of this appeal briefly stated are that respondent No.1 approached HMDA and submitted an application on 17.03.2022 for grant of building permission for construction of two blocks consisting of two cellar + ground floor + 5 upper floors. However, the aforesaid application submitted by respondent No.1 failed to evoke any response. Respondent No.1 thereafter obtained information under the Right to Information Act, 2005, that appellant No.2- Director and Planning Department has submitted a report dated 26.04.2022 to the Special Chief Secretary, Municipal Administration and Urban Development Department (respondent No.2 in the writ petition) wherein it was stated that the site on which respondent No.1 proposed to undertake construction does not open onto the service road directly and

access to the service road is provided via old existing road, which is not identified as a grid road or radial road.

5. Respondent No.1 thereupon filed the aforesaid writ petition seeking a direction to the appellants as well as respondents No.2 to 4 herein to accord building permission to it. The said writ petition has been disposed of with the direction to HMDA to reconsider the building application submitted by respondent No.1. Hence, this appeal.

6. Learned counsel for the appellants submitted that the learned Single Judge has failed to take into account G.O.Ms.No.470 Municipal Administration and Urban Development (I) dated 09.07.2008.

7. We have considered the submission made by learned counsel for the appellants.

8. On perusal of paragraph 12 of the impugned order passed by the learned Single Judge, it is evident that the

aforesaid Government Order has been considered by the learned Single Judge. The learned Single Judge has held that HMDA, while dealing with the prayer for grant of building permission, is required to consider whether the site for which permission has been sought for does not open directly onto the ORR or radial road and access will not be allowed onto the service road of the ORR directly. Learned Single Judge further held that in similar circumstances direct access was granted to Sri Ganapathi Sachidananda Avadootha Peetha Trust vide G.O.Rt.No.522 dated 04.08.2022. Learned Single Judge therefore, has directed the appellants to reconsider the application filed by respondent No.1 for grant of building permission.

9. Therefore, the impugned order dated 18.03.2024, passed by the learned Single Judge in W.P.No.2865 of 2024 does not suffer from any infirmity warranting interference of this Court in exercise of its power under the letters patent.

10. For the aforementioned reasons, we do not find any merit in the writ appeal. The same fails and is, hereby, dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

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SD/- B. SATYAVATHI  
DEPUTY REGISTRAR

SECTION OFFICER

To,

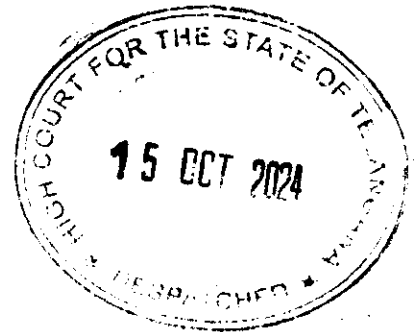
1. One CC to M/s. D.MADHAVI, SC FOR HMDA [OPUC]
2. One CC to SRI S.SRIDHAR, Advocate [OPUC]
3. One CC to SRI B.JAGAN MADHAV RAO, SC FOR MCPL [OPUC]
4. Two CCs to GP FOR MCPL ADMN & URBAN DEV., High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

BSR  
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**HIGH COURT**

**DATED: 10/09/2024**



**JUDGMENT**

**WA.No.1078 of 2024**

**DISMISSING THE WRIT APPEAL,  
WITHOUT COSTS**

⑧ VLW  
26/9/24