

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

**WEDNESDAY, THE TWENTY 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 APPEAL NO: 251 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 02/02/2024, in W.P. No. 2674 of 2024 on the file of the High Court.

**Between:**

Bandaru Sandhya Rani, W/o. M. Satish Kumar, Aged 46 years, Occ. Pvt. Teacher, R/o H.No.2-2-83/14, Rajaji Nagar, Naimnagar, Scholars School, Hanumakonda City and District.

**...APPELLANT**

**AND**

1. The State of Telangana, Rep. by Its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Hyderabad-500 022.
2. The Greater Warangal Municipal Corporation, Rep. by its Commissioner, O/o the Greater Warangal, Municipal Corporation, Warangal, Hanamkonda District.
3. The Deputy Commissioner, Kazipet Circle-II, O/o the Greater Warangal Municipal Corporation, Hanumakonda, Telangana.
4. The Regional Director-Cum-Appellate Commissioner of Municipal Administration, Warangal, Telangana.
5. Cheekati Kumaraswamy, S/o Durgaiah, Aged 72 years, Occ. Business, R/o H.No.2-2-213, Naimnagar, Hanamkonda District.
6. Cheekati Srinivas, S/o Late Kumaraswamy, Age 51 Years R/o H.No.2-2-213, Naimnagar Vidyaranyapuri, Warangal - 506009,

**Respondent No. 6 is impleaded as per Court Order dated 24.07.2024  
Vide IA No. 3 of 2024 in WA No.251 of 2024**

**...RESPONDENTS**

**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 stay of all further proceedings pursuant to Respondent No.4 Order passed in Appeal vide Roc.No.552/2023/A3 dated 03/01/2024, the Respondent No.3 Show Cause Notice File No.E-255105/GWMC/TP/CIR-II/2023 dated 22/01/2024 and Respondent No.3 Order issued vide file No. E-255105/GWMC/TP/CIR-11/2023 dated 26/08/2023 against the Petitioner, pending disposal of the above main Writ Appeal .

**IA NO: 4 OF 2024**

**Between:**

Cheekati Srinivas, S/o Late Kumaraswamy, Age 51 Years R/o H.No.2-2-213, Nainnagar Vidyaranyapuri, Warangal - 506009,

**Respondent No. 6 is impleaded as per Court Order dated 24.07.2024  
Vide IA No. 3 of 2024 in WA No.251 of 2024**

**...PETITIONER/6<sup>TH</sup> RESPONDENT**

**AND**

1. The State of Telangana, Rep. by Its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Hyderabad-500 022.
2. The Greater Warangal Municipal Corporation, Rep. by its Commissioner, O/o the Greater Warangal, Municipal Corporation, Warangal, Hanamkonda District.
3. The Deputy Commissioner, Kazipet Circle-II, O/o the Greater Warangal Municipal Corporation, Hanamkonda, Telangana.
4. The Regional Director-Cum-Appellate Commissioner of Municipal Administration, Warangal, Telangana.
5. Cheekati Kumaraswamy, S/o: Late Durgaiah, Aged 72 years, Occ. Business, R/o H.No.2-2-213, Nainnagar, Hanamkonda District.

**...RESPONDENTS/RESPONDENTS**

6. Bandaru Sandhya Rani, W/o. M. Satish Kumar, Aged 46 years, Occ. Pvt. Teacher, R/o H.No.2-2-83/14, Rajaji Nagar, Nainnagar, Scholars School, Hanamakonda City and District.

**..RESPONDENT/PETITIONER/PETITONER**

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 Vacate the Interim Order dated 13-06-2024 in W.A.No.251 of 2024 and dismiss the Writ Appeal.

**Counsel for the Appellant: SRI L. RAVI CHANDER, LEARNED SENIOR  
COUNSEL REPRESENTING FOR SRI S. LAKSHMI KANTH**

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

**Counsel for the Respondent Nos.2 and 3: SRI S. SURNEDER REDDY,  
SC FOR GREATER WARANGAL MUNICIPAL CORPORATION**

**Counsel for the Respondent No.6: SRI G. SIMHADRI**

**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.251 of 2024**

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

Mr. L.Ravi Chander, learned Senior Counsel representing Mr. S.Lakshmi Kanth, learned counsel for the appellant.

Mr. S.Surender Reddy, learned Standing Counsel for Greater Warangal Municipal Corporation for respondent Nos.2 and 3.

Mr. G.Simhadri, learned counsel for respondent No.6.

2. This intra court appeal is filed against an order dated 02.02.2024 passed by the learned Single Judge in W.P.No.2674 of 2024, by which writ petition preferred by the appellant has been dismissed.

3. Facts giving rise to filing of this appeal briefly stated are that a building permission was issued on

20.08.2022 by Greater Warangal Municipal Corporation in favour of the appellant. The aforesaid building permission was revoked on 26.08.2023. The appellant filed a writ petition namely W.P.No.26965 of 2023 against the aforesaid order. The aforesaid writ petition was withdrawn by the appellant on 27.09.2023 with the liberty to avail of the alternative remedy under Section 252(1) of the Telangana Municipalities Act, 2019 (hereinafter referred to as 'the Act').

4. The appellant thereafter filed an appeal before the Regional Director-cum-Appellate Commissioner of Municipal Administration, Warangal under Section 252(1) of the Act. The aforesaid appeal was dismissed by an order dated 03.01.2024. Thereafter a notice dated 22.01.2024 was issued by Deputy Commissioner, Kazipet Circle-II, Greater Warangal Municipal Corporation to the appellant to remove the construction within seven days.

5. The appellant challenged the validity of the aforesaid order dated 03.01.2024 and notice dated 22.01.2024 as well as order of revocation dated 26.08.2023

in a writ petition namely W.P.No.2674 of 2024. The writ petition preferred by the appellant was dismissed by the learned Single Judge by an order dated 02.02.2024. Hence, this appeal.

6. Learned Senior Counsel for the appellant has made following submissions:

1. That Section 252(1) of the Act provides for an appeal against a notice only and therefore no appeal could have been filed against the order dated 26.08.2023 i.e., the order revoking the building permission.
2. There cannot be any estoppel against the law and the consent of the parties cannot confer jurisdiction on an authority, if it does not have the jurisdiction to entertain the proceeding.
3. That the order dated 26.08.2023 revoking the building permission was passed in exercise of powers under Section 176(9) of the Act and since the Town Planning Building Tribunal has not been constituted under Section 179 of the

Act, the appellant has no alternative remedy of an appeal.

4. It is contended that review is not an alternative efficacious remedy.

7. However, we find that none of the aforesaid contentions were urged before the learned Single Judge.

8. After arguing the matter, to a considerable extent, learned Senior Counsel for the appellant seeks leave of this Court to withdraw the appeal with the liberty to file review of the order dated 27.09.2023 passed in W.P.No.26965 of 2023 as well as order dated 02.02.2024 passed in W.P.No.2674 of 2024. It is further submitted that for a period of four (04) weeks, the construction raised by the appellant may not be demolished.

9. In the peculiar facts and circumstances of the case, we permit the appellant to withdraw the appeal with the liberty to file review of the order dated 27.09.2023 passed in W.P.No.26965 of 2023 as well as order dated 02.02.2024 passed in W.P.No.2674 of 2024. For a period

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of three (03) weeks, interim order granted by a Bench of this Court on 13.06.2024 shall continue. It is made clear that this Court has not expressed any opinion on the merits of the matter.

10. With the aforesaid liberty, the Writ Appeal is disposed of.

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

**SD/-B. SATYAVATHI  
DEPUTY REGISTRAR**

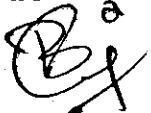
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**SECTION OFFICER /**

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, The State of Telangana, Hyderabad-500 022.
2. The Commissioner, The Greater Warangal Municipal Corporation, O/o the Greater Warangal, Municipal Corporation, Warangal, Hanamkonda District.
3. The Deputy Commissioner, Kazipet Circle-II, O/o the Greater Warangal Municipal Corporation, Hanumakonda, Telangana.
4. The Regional Director-Cum-Appellate Commissioner of Municipal Administration, Warangal, Telangana.
5. One CC to Sri S. Lakshmi Kanth, Advocate [OPUC]
6. One CC to Sri G. Simhadri, Advocate[OPUC]
7. One CC to Sri S. Surender Reddy, SC for Greater Warangal Municipal Corporation [OPUC]
8. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
9. Two CD Copies

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**HIGH COURT**

**DATED:23/10/2024**



**JUDGMENT**

**WA.No.251 of 2024**

**DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS**

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