

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

**FRIDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

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

WRIT APPEAL NO: 1347 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 22/10/2024 passed in W. P. No. 29293 of 2024. on the file of the High Court.

Between:

1. L. Rajesh Singh, S/o. Jaggana Singh, Aged about 48 years, Occupation. Business, R/o. H. No. 16-19, Alizapur Colony, Gandipet Mandal, Ranga Reddy District, Telangana -500 075.
2. Abbu Bai, W/o. L. Rajesh Singh, Aged about 48 years, Occupation. Business, R/o. H. No. 16-19, Alizapur Colony, Gandipet Mandal, Ranga Reddy District, Telangana -500 075.
3. Shankar Singh, S/o. Om Prakash, Aged about 34years, Occupation. Business, R/o. H. No. 13-2-257/A/107, Sivalal Nagar, Gandipet Mandal, Ranga Reddy District, Telangana -500 075.
4. Kushal Singh, S/o. Jaipal Singh Aged about 30 years, Occupation. Business, R/o. H. No. 6-8, Alkapur Road, Near 7 Domes, Alizapur Colony, Gandipet Mandal, Ranga Reddy District, Telangana -500 075.

...APPELLANTS

AND

1. Syed Saifuddin Ali, S/o. Late Syed Jahangir Ali, Aged. 50 Years, Occ. Business, R/o. H.No. 9-58/43/B Part, Afsar Colony, Langer House, Hyderabad, Telangana -500 008.
2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration, Secretariat, BRKR Bhavan, Hyderabad, Telangana -500 022.
3. The Municipal Commissioner, Manikonda Municipality, R.R. District, Telangana.

...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 suspend the impugned judgment passed by learned Single Judge in W.P. No. W.P. No.29293 of 2024 dated 22-10-2024

Counsel for the Appellants: SRI. ANAND KUMAR KAPOOR

Counsel for the Respondent No.1: SRI M A MUJEEB

Counsel for the Respondent No.2: MS. T. RAJITHA AGP FOR Municipal Administration and Urban Development

Counsel for the Respondent NO.3: SRI KANCHANI LAXMAIAH SC FOR MUNICIPALITIES

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.1347 of 2024

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

Mr. Anand Kumar Kapoor, learned counsel for the appellants.

Mr. M.A.Mujeeb, 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. Kanchani Laxmaiah, learned Standing Counsel for Municipalities for the respondent No.3.

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

3. In this intra court appeal, the appellants have assailed the validity of the order, dated 22.10.2024, passed in W.P.No.29293 of 2024.

4. By the aforesaid order, the learned Single Judge has disposed of the writ petition preferred by the respondent No.1 with the liberty to the respondent No.1 to submit a representation to the Municipal Commissioner, Manikonda Municipality, with a request to revoke the building permit dated 17.05.2024 granted in favour of the appellants. The Municipal Commissioner, Manikonda Municipality, has been directed to decide the representation of the respondent No.1 within a period of four weeks after putting the appellants on notice.

5. Learned counsel for the appellants submitted that the respondent No.1, namely the writ petitioner, had filed Writ Petition No.19881 of 2024, in which the appellants had appeared and the said writ petition, after contest, was disposed of by an order dated 25.07.2024. However, the respondent No.1 in his writ petition has not mentioned the factum of filing the previous writ petition. It is, therefore,

submitted that the respondent No.1 has not approached the Court with clean hands and, in any case, the learned Single Judge ought to have given an opportunity of hearing to the appellants.

6. On the other hand, the learned counsel for the respondent No.1 submits that in compliance of the liberty granted by the learned Single Judge, the respondent No.1 has already submitted a representation. Therefore, the order passed by the learned Single Judge has been acted upon.

7. We have considered the submissions made by the learned counsel for the parties.

8. Ordinarily, we would not have interfered with the order passed by the learned Single Judge, as the same is innocuous. However, it is well settled in law that the jurisdiction of this Court under Article 226 of the Constitution of India is not only extraordinary but discretionary in nature. The respondent No.1 has not mentioned about the filing of the previous writ petition and

its impact on the present proceedings. Therefore, the impugned order dated 22.10.2024 passed by the learned Single Judge is set aside and the matter is remitted to the learned Single Judge to decide the same afresh by affording an opportunity of hearing to the appellants.

9. The writ appeal is accordingly disposed of. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/-R. KARTHIKEYAN
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration, Secretariat, BRKR Bhavan, Hyderabad, Telangana -500 022.
2. The Municipal Commissioner, Manikonda Municipality, R.R. District, Telangana.
3. One CC to SRI. ANAND KUMAR KAPOOR Advocate [OPUC]
4. One CC to SRI M A MUJEEB Advocate [OPUC]
5. One CC to SRI KANCHANI LAXMAIAH SC FOR MUNICIPALITIES [OPUC]
6. One CC to MS. T. RAJITHA AGP FOR Municipal Administration and Urban Development [OPUC]
7. Two CD Copies

KKS

BS



CC TODAY

HIGH COURT

DATED:29/11/2024



JUDGMENT

WA.No.1347 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

9
2/12/24
COB