

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

[3418]

WEDNESDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1358 OF 2024

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the Order dated 30/08/2024 in W. P. No. 21808 of 2024. on the file of the High Court.

Between:

Mohd Bin Salam, S/o late Salam Bin Ahmed Aged about 52 yrs, Occ. Business, R/o H.No. 8-2-332/1/B, Mega City No. 164, Road No.3, Banjara Hills, Hyderabad.

...APPELLANT

AND

1. The State of Telangana, through its Principal Secretary Municipal Administration, Having office at T.S. Secretariat, Hyderabad.
2. The Commissioner, The Greater Hyderabad Municipal Corporation having office at Tank Bund Road, Hyderabad.
3. Sri Siddhartha Thathayagari, S/o. Sri T. Bal Reddy, Aged about 60 yrs, Occ. Business, R/o Flat no. 301, Venkata Ratnam Residency, Nandamoori Nagar, Kukatpally, Hyderabad.

...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 pass an interim direction thereby directing the respondent No.2 to take action on the complaint of the petitioner dated 2-7-2024 under Section 450 of GHMC Act, against respondent no.3 for obtaining building permission vide File No.013781/GHMC/6768/ SLP2/2023-BP, dated 9-2-2024 by suppressing of material facts in accordance with law

Counsel for the Appellant: SRI. MOHAMMAD ADNAN

Counsel for the Respondent No.1: SRI E. VENKATA REDDY,

**GP FOR MUNICIPAL ADMINISTRATION
AND URBAN DEVELOPMENT**

Counsel for the Respondent No.2: SRI M.A.K. MUKHEED, SC FOR GHMC

Counsel for the Respondent No.3:--

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.1358 of 2024

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

Mr. Mohd. Adnan, learned counsel for the appellant.

Mr. E.Venkata Reddy, learned Government Pleader for Municipal Administration and Urban Development Department for the respondent No.1.

2. This intra court appeal is filed against the order dated 30.08.2024 passed by the learned Single Judge by which the writ petition preferred by the appellant, namely W.P.No.21808 of 2024, has been disposed of.

3. Learned counsel for the appellant submits that the appellant had cited a Division Bench decision of this Court dated 24.08.2021 passed in W.A.No.162 of 2021. It is further submitted that the issue involved in the writ petition is squarely covered by the aforesaid decision of Division Bench of this Court. It is also submitted that the

learned Single Judge has not referred to the aforesaid Division Bench decision in the order, even though the same was cited before him. It is further submitted that the learned Single Judge ought to have appreciated that the grievance of the appellant was with regard to cancellation of building permission issued in favour of the respondent No.3.

4. In view of the law laid down by the Supreme Court in **State of Maharashtra v. Ramdas Shrinivas Nayak¹**, and in the facts and circumstances of the case, the remedy available to the appellant is to seek review of the order dated 30.08.2024.

5. Therefore, the appeal is disposed of with the liberty to the appellant to seek review of the order dated 30.08.2024 passed in W.P.No.21808 of 2024. There shall be no order as to costs.

¹ AIR 1982 SC 1249

Miscellaneous applications pending, if any, shall stand closed.

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

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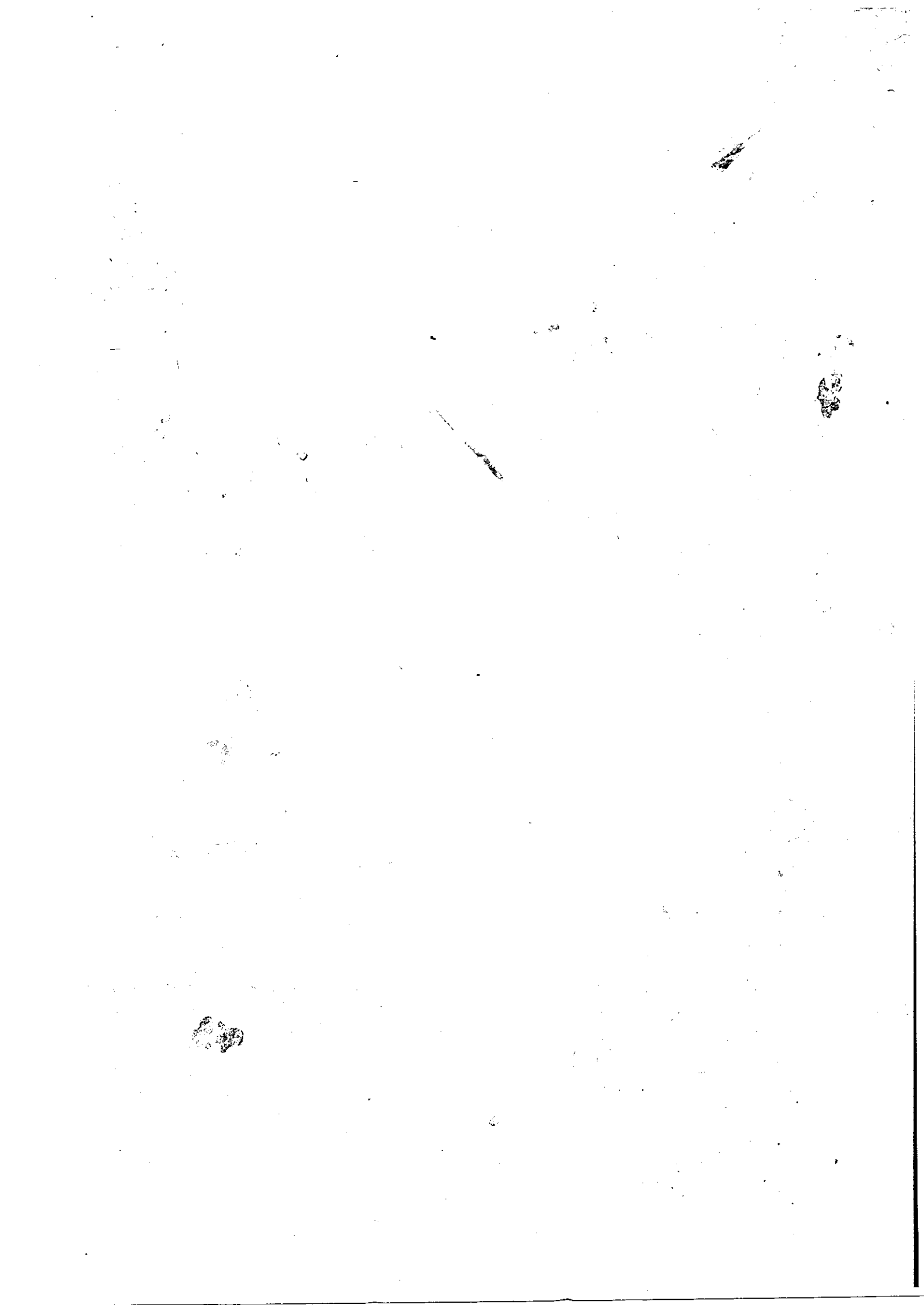
SECTION OFFICER

To,

1. The Principal Secretary Municipal Administration, Having office at T.S. Secretariat, T.S.,Hyderabad.
2. The Commissioner, The Greater Hyderabad Municipal Corporation having office at Tank Bund Road, Hyderabad.
3. One CC to SRI. MOHAMMAD ADNAN Advocate [OPUC]
4. One CC to SRI. M.A.K.MUKHEED, SC FOR GHMC [OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT ,High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

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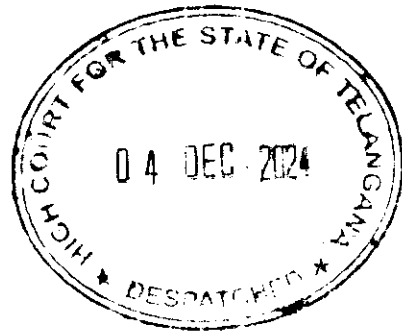




CC TODAY

HIGH COURT

DATED:04/12/2024



JUDGMENT

WA.No.1358 of 2024

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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~~_____~~
~~04/12/2024~~