

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

**FRIDAY, THE SIXTH 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: 1316 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order
Dated 16-07-2024 in W.P.No12701 of 2023 on the file of the High Court.

Between:

M. ABHISHEK, S/o M. Vykunta Rao, Aged about 31 years, occ: Pvt
Employee, R/o H.No 2-259/50/51, Raji-Reddy nagar, Dhamaiguda
Municipality, KeesaraBachipally mandal, M-M Dist-90.

...APPELLANT

AND

1. The state of Telangana, Rep by its Principal Secretary, Municipal
Administration, Secretariat, Hyderabad.
2. The Dy. Commissioner, West Zone of GHMC., Gachibowli Circle-20,
Serilingampally, R. R. Dist.
3. Sri Srinivas, S/o unknown, Age 45 yrs, plot no. 53, Road no.4, block B, Street
no, 17, Sri Ram nagar, Ward no. 104, Kondapur circle no. 21, R.R. dist.

...RESPONDENTS

IA NO: 3 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 operation of the Judgment of the Learned Single dated 16.07.2024
passed in WP No. 12701 of 2023, pending disposal of the Writ Appeal.

**Counsel for the Appellant: SRI NILESH NARANIA FOR M/s. M.SIRISHA RANI
Counsel for the Respondent No.1: GP FOR MCPL ADMN & URBAN DEV
Counsel for the Respondent No.2: SRI BALU DUDEKULA FOR SRI RAPARTI
VENKATESH, 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.1316 of 2024

JUDGMENT: *(Per the Hon'ble, Sri Justice J. Sreenivas Rao)*

This intra court appeal has been filed by the appellant invoking the provisions of Clause 15 of the Letters Patent aggrieved by the order passed by the learned Single Judge in W.P.No.12701 of 2023 dated 16.07.2024, by which the writ petition filed by the appellant was dismissed with costs.

2. Heard Mr. Nilesh Narania, learned counsel representing Ms. M.Sirisha Rani, learned counsel for the appellant, and Mr. Balu Dudekula, learned counsel representing Mr. Raparti Venkatesh, learned Standing Counsel for Greater Hyderabad Municipal Corporation.

3. **Brief facts of the case:**

3.1 Facts giving rise to filing of this appeal briefly stated are that the appellant lodged a complaint against respondent No.3 before respondent No.2-Deputy Commissioner, Greater

Hyderabad Municipal Corporation, West Zone, on 17.12.2022 on the ground that respondent No.3 was making unauthorized construction in the Plot No.53, admeasuring 300 sq. yards consisting of six floors and sought for taking action to demolish/alter the 6th floor, which was constructed without following any municipal norms. As respondent No.2 failed to take appropriate action, the appellant approached this Court and filed the writ petition.

3.2 Learned Single Judge dismissed the writ petition with costs on the ground that the appellant filed writ petition against respondent No.3, admittedly, respondent No.3 is not the owner and one Anumula Sridhar is the owner of the subject property and the appellant even without verifying the ownership approached this Court and filed the writ petition with unclean hands against non-existent person, but affecting the real owner.

4. **Submissions of learned counsel for the appellant:**

Learned counsel for the appellant submitted that respondent No.2 in the counter-affidavit has not stated that Anumula Sridhar is owner of the subject property and

respondent No.3 is not the owner of the subject property. In such circumstances, the learned Single Judge ought not to have dismissed the writ petition by imposing costs.

Analysis:

5. Having considered the rival submissions made by the learned counsel for the appellant and after perusal of the record, it reveals that one Anumula Sridhar is the owner of the subject property and he had taken building permission in respect of construction on the subject property in the year 2016 and completed the construction and obtained occupancy certificate on 21.04.2017. The appellant has filed the writ petition questioning the action of the respondents in not taking action for demolition/alteration of the construction made in the subject property by respondent No.3. Admittedly, one Anumula Sridhar, who is the owner of the subject property, filed I.A.No.2 of 2023 seeking impleadment as party respondent and the said application was allowed and he filed counter-affidavit before the learned Single Judge in W.P.No.12701 of 2023. Learned Single Judge after considering the contentions of the respective parties,

dismissed the writ petition specifically holding that the appellant filed writ petition against respondent No.3 with an intention to obtain the orders against the real owner (s) behind their back without even making any effort to ascertain the minimal facts while approaching the Court by filing the writ petition. According to the averments of the appellant, the appellant is the neighbor of the subject property. Even without ascertaining the factum of who is the owner of the subject property and who is making construction in the subject property, the appellant filed writ petition against the unconnected person.

6. The appellant has filed the writ appeal against respondent Nos.2 and 3 only without making respondent No.4, who was already impleaded as party respondent in W.P.No.12701 of 2023, as party in the appeal. The appellant has not even stated any reason for non-impleading Anumula Sridhar as a party respondent in the present appeal.

7. For the foregoing reasons, this Court does not find any ground to differ with the stand taken by the learned Single Judge while dismissing the writ petition with costs.

8. Accordingly, the writ appeal is dismissed. No costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-K.SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to M/s. M.SIRISHA RANI, Advocate [OPUC]
2. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
3. One CC to SRI RAPARTI VENKATESH, SC FOR GHMC [OPUC]
4. Two CD Copies

PSK.
PSK.

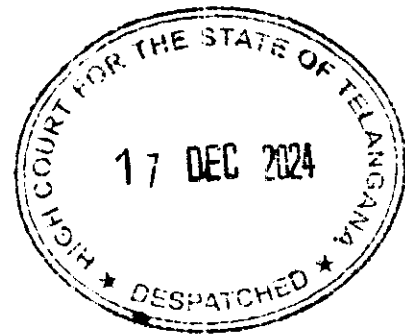


HIGH COURT

DATED:06/12/2024

JUDGMENT

WA.No.1316 of 2024



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS.**

7

[Signature]

16/12/2024