

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

**MONDAY, THE EIGHTH DAY OF JULY  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT APPEAL NO: 812 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 26/02/2024 in W.P.No 13310 of 2023 on the file of the High Court.

**Between:**

Aella Kishore Reddy, S/o. A. Pitchi Reddy, Aged about 46 years, Occ Software engineer, R/o. D.No.2-4-158. Snehapuri Colony, Road No.9-B, Nagole village, Saroomagar Mandal, Ranga Reddy District

**...APPELLANT/RESPONDENT No.8**

**AND**

1. Aware (Action for Welfare and Awakening In Rural Environment), Having its National Administrative Office at H.No.5-9-24/78, Lake Hill Road, Hyderabad, Rep by its Secretary, Mr. K. Venkat Reddy, S/o Buchi Reddy, Aged about 58 years, Occ: Secretary.

**...RESPONDENT/WRIT PETITIONER**

2. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development Dept, Secretariat, Hyderabad
3. Greater Hyderabad Municipal Corporation (GHMC), Rep. by its Commissioner, Tank Bund Road, Hyderabad.
4. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, L.B. Nagar zone, Ranga Reddy District.
5. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, L.B.Nagar Circle, Ranga Reddy District
6. The Assistant City Planner, L.B. Nagar. Circle No.5, GHMC, Hyderabad.
7. The District Collector, Ranga Reddy District.
8. The Tahsildar, Saroomagar Mandal. Ranga Reddy District.

**...RESPONDENTS/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 common judgment & order dated 26.02.2024 passed in W.P. No. 13310 of 2023 & batch.

**Counsel for the Appellant: SRI P. SRI RAGHURAM, SR. COUNSEL REP. FOR  
SRI K. KIRAN KUMAR**

**Counsel for the Respondent No.1: SRI B. RACHANA REDDY, SR. COUNSEL  
REP. FOR SRI MOHD BASEER RIYAZ**

**Counsel for the Respondent No.2: SRI B. MOHANA REDDY, GP FOR  
MUNICIPAL ADMINISTRATION AND  
URBAN DEVELOPMENT**

**Counsel for the Respondent No.3 to 6: SRI M. DURGA PRASAD, SC FOR GHMC**

**Counsel for the Respondent No.7 & 8: SRI MURALIDHAR REDDY KATRAM,  
GP FOR REVENUE**

**The Court made the following: ORDER**

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

**AND**

**THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT APPEAL No.812 of 2024**

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

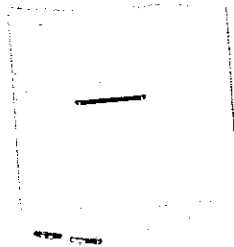
Mr. P. Sri Raghuram, learned Senior Counsel representing Mr. K.Kiran Kumar, learned counsel for the appellant.

Ms. B.Rachna Reddy, learned Senior Counsel, representing Mr. Mohd. Baseer Riyaz, learned counsel for the respondent No.1.

Ms. B.Mohana Reddy, learned Government Pleader for Municipal Administration and Urban Development Department for the respondent No.2.

Mr. M.Durga Prasad, learned Standing Counsel for the Greater Hyderabad Municipal Corporation for the respondents No.3 to 6.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondents No.7 and 8.

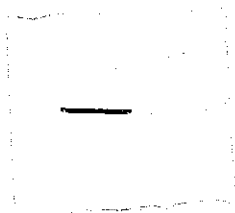


2. With the consent of the parties, the matter is heard finally.
3. This intra court appeal is filed against the order dated 26.02.2024 passed by the learned Single Judge by which the writ petition filed by the respondent No.1 has been allowed and the learned Single Judge has directed the Greater Hyderabad Municipal Corporation to consider the complaint submitted by the respondent No.1, who was the writ petitioner, dated 02.05.2023, with regard to cancellation of building permission obtained by the appellant and to decide the issue with regard to validity of the building permission within a period of four weeks.
4. Facts giving rise to filing of this appeal in nutshell are that the respondent No.1 is a society who is owner and is in possession of land measuring Acs.7.10 guntas in Survey Nos.37 to 51 situated at Karmanghat Village, Saroornagar Mandal, Ranga Reddy District. The respondent No.1 entered into an agreement of sale with the appellant for sale of unused vacant land comprising plot Nos.46 to 60 in the subject land. Thereafter, a sale deed was executed.

5. It is the case of the respondent No.1 that the appellant has obtained the building permission on 02.12.2022 from the official respondents, namely the respondents No.3 to 6, for construction of residential building consisting of one stilt + 5 upper floors to an extent of 392.13 square meters and 347.23 square metres in respect of the land situated in Survey Nos.37 to 40 in spite of an interim order of *status quo* passed by a court. The respondent No.1 made a complaint on 02.05.2023. However, no action was taken on the complaint submitted by the respondent No.1. Thereupon, the respondent No.1 filed the writ petition before this Court seeking a direction to the Greater Hyderabad Municipal Corporation to consider the complaint submitted by the respondent No.1. The learned Single Judge, by an order dated 26.02.2024, has allowed the writ petition and has issued a direction to the Commissioner, Greater Hyderabad Municipal Corporation, to decide the complaint dated 02.05.2023 submitted by the respondent No.1 within a period of four weeks. Hence this appeal.

6. Learned Senior Counsel for the appellant submitted that the learned Single Judge ought not to have dealt with the issue on merits while issuing a direction to the Commissioner, Greater Hyderabad Municipal Corporation, to decide the complaint submitted by the respondent No.1. It is further submitted that the learned Single Judge ought to have appreciated that the findings recorded in the order passed by him would bind the Commissioner, Greater Hyderabad Municipal Corporation. Therefore, it is urged that the order passed by the learned Single Judge be modified and a direction be issued to the Commissioner, Greater Hyderabad Municipal Corporation, to decide the complaint filed by the respondent No.1 by a speaking order after hearing the necessary parties without being influenced by any of the observations or findings contained in the order dated 26.02.2024 passed by the learned Single Judge.

7. The aforesaid submission has not been fairly opposed by the learned Senior Counsel for the respondent No.1 and it has been submitted ~~that~~ the Commissioner, Greater



Hyderabad Municipal Corporation, be directed to decide the complaint in a time bound manner.

8. On the other hand, learned Standing Counsel for the Greater Hyderabad Municipal Corporation submits that the complaint submitted by the respondent No.1 shall be decided within such time as may be fixed by this Court.

9. We have considered the rival submissions made on both sides and have perused the record.

10. The learned Single Judge ought not to have dealt with the merits of the matter as the findings contained in the order are binding on the Commissioner, Greater Hyderabad Municipal Corporation.

11. Therefore, in the facts and circumstances of the case, the order dated 26.02.2024 is modified and it is directed that the Commissioner, Greater Hyderabad Municipal Corporation, shall decide the complaint dated 02.05.2023 submitted by the respondent No.1 by a speaking order within a period of two months from the date of receipt of a copy of this order. Needless to state that all necessary

parties, including the appellant and the respondent No.1, shall be afforded an opportunity of hearing. It is made clear that it will be open for the parties to raise all such contentions as are available to be raised in law. It is further clarified that this Court has not expressed any opinion on merits of the matter.

12. To the aforesaid extent, the order passed by the learned Single Judge is modified.

13. Accordingly, the appeal is disposed of.

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

Sd/- M. MANJULA  
DEPUTY REGISTRAR  
SECTION OFFICER

//TRUE COPY//

To,

1. The Secretary, Aware (Action for Welfare and Awakening in Rural Environment), Having its National Administrative Office at H.No.5-9-24/78, Lake Hill Road, Hyderabad.
2. The Principal Secretary, Municipal Administration and Urban Development Dept, The State of Telangana, Secretariat, Hyderabad
3. The Commissioner, Greater Hyderabad Municipal Corporation (GHMC), Tank Bund Road, Hyderabad.
4. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, L.B. Nagar zone, Ranga Reddy District.
5. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, L.B.Nagar Circle, Ranga Reddy District
6. The Assistant City Planner, L.B. Nagar. Circle No.5, GHMC, Hyderabad.
7. The District Collector, Ranga Reddy District.
8. The Tahsildar, Saroornagar Mandal. Ranga Reddy District.
9. One CC to SRI K. KIRAN KUMAR, Advocate [OPUC]
10. One CC to SRI MOHD. BASEER RIYAZ, Advocate [OPUC]
11. One CC to SRI M. DURGA PRASAD, SC for GHMC [OPUC]
12. Two CCs to GP for REVENUE, High Court for the State of Telangana. [OUT]
13. Two CCs to GP for MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana. [OUT]
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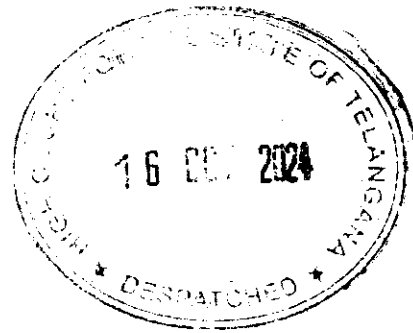
BN

MP



HIGH COURT

DATED:08/07/2024



ORDER

WA.No.812 of 2024

DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS

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