

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1107 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 03-11-2023 in W.P No. 30617 of 2023 on the file of the High Court.

Between:

1. Pulipati Praveen Kumar, s/o Sri. Pulipati Ramaswamy, aged. 38 years, occ. business, r/o H.No. 5-115/1, Narsimha Reddy Road, Shamshabad, 501218. Ranga Reddy District,
2. Smt. Muddagouni Vijaya Lakshmi, w/o late Muddagouni Venkatesham, aged. 65 years, occ. household,
3. Rangam Prashanthi, d/o late Muddagouni Venkatesham Aged. 40 years, occ. household,
4. Muddagouni Gnanoday Goud, s/o late Muddagouni Vankatesham aged. 39 years, occ. business,
5. Muddagouni Sandeep Goud, s/o late Muddagouni Venkatesham, aged. 36 years, occ. business, all r/o H.No. 11-202, Siddanthi, Shamshabad Village and Mandal, Ranga Reddy District.
Petitioners No. 2 to 5 are L.R's of LATE MUDDAGOUNI VENKATESHAM GOUD Since died on 14-02-2023
6. SYED HABEEB, s/o late Syed Ahmed, Aged. 66 years, occ. business, r/o H.No. 8-51/1, Siddanti basti, Shamshabad Mandal, R.R.Dist.

...APPELLANTS/PROPOSED APPELLANTS

AND

1. SMT PONNABOINA NIRUPA YADAV, W/o Ponnaboina Prem Raj Yadav, Aged about 58 years, Occ. Housewife, R/o H.No.3-2-845/A, Kachiguda, Hyderabad, 500 027

....RESPONDENT/PETITIONER

2. The State of Telangana, Rep by its Principal Secretary (Municipal Administration), Secretariat Buildings, Hyderabad.
3. The Shamshabad Municipality, Ranga Reddy District, Shamshabad, repled by its Commissioner.
4. Yetti Kumar, S/o Y.Nagaiah, Aged 45 years, Occupation. Business, R/o H.NO. 3-85, Komati Basthi, Near Old Police Station, Shamshabad Village and Mandal, Ranga Reddy District, 501218.
5. Yetti Lalitha, w/o Yetti Kumar, Aged 38 years, Occupation. household, R/o H.NO. 3-85, Komati Basthi, Near Old Police Station, Shamshabad Village and Mandal, Ranga Reddy District, 501218

...RESPONDENTS/RESPONDENTS

IA NO: 4 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 direct the 3rd Respondent to grant permission for construction in and over the plot of land measuring 296.00 sq. yds or 247.5 sq. mts in Sy. No. 678 of Shamshabad Village, R.R.District, pertaining to petitioners 2 to 5 on par with the individual plot owners who have been sanctioned permission in the very same Sy. No. till the disposal of writ appeal

IA NO: 5 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 direct the 3rd Respondent to grant permission for construction in and over the plot of land measuring 153 sq. yds or 128.3 Sq. mtrs in Sy. No. 678 of Shamshabad Village, R.R.District, pertaining to ~~2 to 5~~ petitioner No.1 on par with the individual plot owners who have been sanctioned permission in the very same Sy. No. till the disposal of writ appeal

IA NO: 6 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 direct the 3rd Respondent to grant permission for construction in and over the plot of land measuring 235 sq. yds or 196.5 Sq. mtrs in Sy. No. 678 of Shamshabad Village, R.R.District, pertaining to 6th petitioner on par with the individual plot owners who have been sanctioned permission in the very same Sy. No. the disposal of writ appeal

Counsel for the Appellant: SRI. SHYAM SUNDER MURTHY

Counsel for the Respondent No.1: SRI SRINIVAS REDDY BALAKISTI

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

**Counsel for the Respondent No.3: SRI PRAVEEN KUMAR VEERJALA
REP SRI G. MALLA REDDY,
SC FOR MUNICIPALITIES**

Counsel for the Respondent Nos. 4&5: --

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1107 of 2024

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

Mr. Shyam Sunder Murthy, learned counsel for the appellants.

Mr. Srinivas Reddy Balakisti, learned counsel for respondent No.1.

Mr. E.Venkata Reddy, learned Government Pleader for Municipal Administration and Urban Development Department for respondent No.2.

Mr. Praveen Kumar Veerjalā, learned counsel representing Mr. G.Malla Reddy, learned Standing Counsel for Municipalities for respondent No.3.

2. This intra court appeal has been filed against an order dated 03.11.2023 passed by the learned Single

Judge in W.P.No.30617 of 2023, by which writ petition preferred by respondent No.1 has been disposed of.

3. Admittedly, the appellants are not parties to the order dated 03.11.2023 passed by the learned Single Judge. The aforesaid order therefore does not bind the appellants. In view of law laid down by the Supreme Court in **Shivdev Singh v. State of Punjab**¹ as well as Division Bench of this Court in **Palavalasa Padmanabham v. State of A.P.**², learned counsel for the appellants after arguing the matter to some extent submits that the appellants be granted liberty either to file an application seeking review of the said order or to file a fresh writ petition challenging the order dated 03.11.2023 passed by the learned Single Judge.

4. In view of aforesaid submission, the Writ Appeal is disposed of in terms of the liberty as prayed for.

¹ AIR 1963 SC 1909

² 2003 (4) ALD 449 (DB)

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

SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. SHYAM SUNDER MURTHY Advocate [OPUC]
2. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana, at Hyderabad [OUT]
3. One CC to SRI. SRINIVAS REDDY BALAKISTI Advocate [OPUC]
4. One CC to SRI. G. MALLA REDDY, SC FOR MUNICIPALITIES [OPUC]
5. Two CD Copies

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GJP

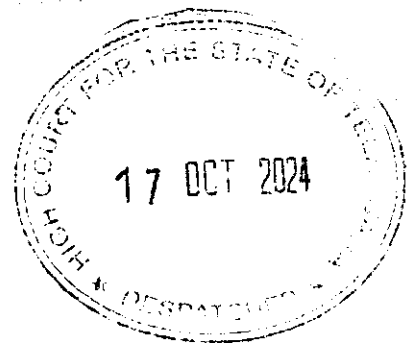
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HIGH COURT

DATED:19/09/2024

JUDGMENT

WA.No.1107 of 2024



DISMISSING THE WRIT APPEAL WITHOUT COSTS

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