

[3418]

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

**THURSDAY, THE TWELFTH 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: 1091 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 04/07/2024 in W.P.No.17160 of 2024. on the file of the High Court.

Between:

Gyara Sathaiah, S/o Late Ramaswamy, Aged about 78 years, Occ ; Business, R/o H.No.9-2-120, Champapet, Saroornagar Mandal, Ranga Reddy District.

.....APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The Commissioner and Director, Municipal Administration and Urban Development, Telangana State, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Lower Tank Bund, Hyderabad.
4. The District Collector, Ranga Reddy, Ranga Reddy District.
5. The Greater Hyderabad Municipal Corporation, L.B. Nagar Zone, Rep. by its Deputy Commissioner, L.B. Nagar, Ranga Reddy District.
6. G. Suresh, S/o Buchaiah, Ed about 55 years, Occ. Business, R/o H.No.7-2-7/24, Karmanghat, Saroornagar, Ranga Reddy District.
7. G. Sukanya, S/o Suresh, Aged about 42 years, Occ. Housewife, R/o H.No.7-2-7/24, Karmanghat, Saroornagar, Ranga Reddy District.
8. Nagabandi Ramulu, S/o not known, Aged about 55 years, Occ. Business, R/o Plot No.40, APSRTC Officers Colony, Champapet, Saroornagar, Ranga Reddy District.
9. Nagabandi Shyamala, W/o Ramulu, Aged about 38 years, Occ. Business, R/o Plot No.40, APSRTC Officers Colony, Champapet, Saroornagar, Ranga Reddy District.

10. Nagabandi Pavan, S/o Ramulu, Aged about 38 years, Occ. Business, R/o Plot NO.40, APSRTC Officers Colony, Champapet, Saroonagar, Ranga Reddy District.

11. Nagabandi Prashanth, S/o Ramulu, Aged about 36 years, Occ. Business, R/o R/o Plot NO.40, APSRTC Officers Colony, Champapet, Saroonagar, Ranga Reddy District.

.....RESPONDENTS/RESPONDENTS

I.A.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 direct the 3rd respondent to consider the representation of the petitioner dated 11.06.2024 and to cancel the illegal house construction permission through vide Proceedings No.5982/ GHMC/ LBN/2024-BP, dated 07.05.2024 and to take the necessary action against the respondent No.6 to 11, who are constructing on the petitioner's land without any right and title, pending disposal of the writ appeal.

Counsel for Appellant : SRI RAPOLU BHASKAR

Counsel for Respondent Nos.1 & 2 : GP FOR MCPL ADMN AND URBAN DEVELOPMENT

Counsel for Respondent Nos.3 & 5 : SRI M.DURGA PRASAD

Counsel for Respondent No.4 : G.P FOR REVENUE

Counsel for Respondent Nos.6 to 11 : SRI G.KALYAN CHAKRAVARTHY

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.1091 OF 2024

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

This intra-court appeal is filed aggrieved by the orders passed by the learned Single Judge of this Court in dismissing the Writ Petition No.17160 of 2024 dated 04.07.2024 and rejecting the claim of the appellant for consideration of the representation dated 11.06.2024 to direct the official respondents to cancel the building construction permission proceedings dated 07.05.2024 issued in favour of the respondent Nos.6 to 11 on the ground that the appellant has already instituted the suit in O.S. No.31 of 2024 on the file of learned X Additional District Judge, Ranga Reddy, L.B.Nagar.

2. Heard Sri Rapolu Bhaskar, learned counsel for the appellant, Sri M.Durga Prasad, learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing on behalf of respondent Nos.3 to 5 and Sri G.Kalyan Chakravarthy, learned counsel appearing on behalf of respondent Nos.6 to 11.

3. Learned counsel for the appellant after arguing the matter for some time, seeks permission to withdraw the writ appeal with

a liberty to the appellant to agitate his rights in pending suit and requested this Court to direct the learned X Additional District Judge, Ranga Reddy District at L.B.Nagar to decide the O.S. No.31 of 2024 on merits without influencing by any of the observations made by this Court as well as the order passed by the learned Single Judge in W.P.No.17160 of 2024.

4. After perusal of the records, it reveals that the appellant and two others filed comprehensive suit in O.S. No.31 of 2024 on the file of learned X Additional District Judge, Ranga Reddy District at L.B.Nagar seeking to declare them as absolute owners of the suit schedule property and to declare the sale deeds relied upon by the respondent Nos.6 to 11 as null and void and not binding upon them and also sought other reliefs. The appellant is entitled to seek appropriate relief in the pending suit and he is not entitled to seek cancellation of the building permission issued in favour of the respondent Nos.6 to 11.

5. In view of the submissions made by the learned counsel for the appellant, without expressing any opinion on merits of the case, the appellant is granted liberty to pursue his rights in the pending suit in O.S.No.31 of 2024 on the file of learned X Additional District Judge, Ranga Reddy District at L.B.Nagar. However, any of the observations made in this Writ Appeal as well

as the observations made by the learned Single Judge in Writ Petition No.17160 of 2024 are not applicable to the pending suit.

6. Accordingly, the Writ Appeal is disposed of. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

**SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner and Director, Municipal Administration and Urban Development, Telangana State, Hyderabad.
3. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.
4. The District Collector, Ranga Reddy, Ranga Reddy District.
5. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, L.B. Nagar Zone, L.B. Nagar, Ranga Reddy District.
6. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
9. One CC to SRI M.DURGA PRASAD, Advocate (OPUC)
10. One CC to SRI G.KALYAN CHAKRAVARTHY, Advocate (OPUC)
11. Two CD Copies

SA
GJP

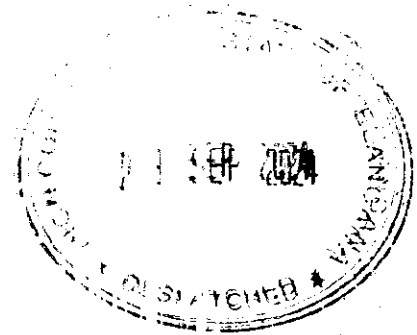
N.A.

HIGH COURT

DATED:12/09/2024

JUDGMENT

WA.No.1091 of 2024



**DISPOSING OF THE W.A
WITHOUT COSTS.**

141
v/w
23/9/24