

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1002 OF 2024

Writ Appeal under clause 15 of the Letters Patent against the order dated 02/08/2024 in W P No 20923 of 2024 on the file of the High Court.

Between:

Nirmal Singh, S/o. Omprakash, Aged about 38 years, Occ Business, R/o. Plot No.72, Siva Praneeth Plaza, Siddarth Nagar, Yousufguda, Hyderabad

...APPELLANT/3rd RESPONDENT

AND

1. Smt.Ongur Radhabai, D/o. Late E.Mallesha Yadav, Aged about 55 years, Occ Housewife, R/o.H.No.9-2-300, Yadav Basti, Langer House, Hyderabad-500008.

...WRIT PETITIONER/RESPONDENT

2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
3. The Commissioner, Bandlaguda Jagir Municipal Corporation, Ranga Reddy.

...RESPONDENTS/RESPONDENT

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 dispense with the certified copy of the order passed by this Honble court in WP.No.20923/2024 dated 02/08/2024.

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 stay all further proceedings pursuant to the order passed in WP.No.20923/2024 dated 02/08/2024.

Counsel for the Appellant : SRI S.V.RAMANA

Counsel for the Respondent No.1 : D RAGHAVENDAR RAO

Counsel for the Respondent No.2 : SRI E.VENKAT REDDY, GP FOR MA & UD

**Counsel for the Respondent No.3 : SRI S.ABHAYA KUMAR SAGAR,
SC FOR BANDLAGUDA JAGIR MC**

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.1002 of 2024

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

Mr. S.V. Ramana, learned counsel appears for the appellant.

Mr. D. Raghavendar Rao, learned counsel appears for respondent No.1.

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

Mr. S. Abhaya Kumar Sagar, learned Standing Counsel for Bandlaguda Jagir Municipal Corporation appears for respondent No.3.

2. With the consent of the parties, the matter is heard finally.

3. This intra court appeal is filed against an order dated 02.08.2024 passed by the learned Single Judge by which Writ Petition No.20923 of 2024 filed by respondent No.1 has been disposed of at the admission stage directing the Commissioner,

Bandlaguda Jagir Municipal Corporation, Ranga Reddy District, to decide the representation dated 16.07.2024 submitted by respondent No.1.

4. Learned counsel for the appellant has submitted that even though the learned Single Judge has issued only a direction to decide the representation submitted by respondent No.1, yet, the fact is that the brother of respondent No.1, namely, E. Hruday Yadav, had filed a Writ Petition, namely, W.P.No.34277 of 2022 seeking similar relief. It is further pointed out that Writ Petition No.34277 of 2022 was decided by a learned Single Judge of this Court *vide* order dated 01.09.2022. It is pointed out that in pursuance of the aforesaid direction, notice was issued to the brother of respondent No.1 and subsequently, he was asked to approach the civil Court for redressal of his grievance. It is also pointed out that the aforesaid fact, which has a material bearing on the controversy involved in the Writ Petition, has not been brought to the notice of the learned Single Judge.

5. On the other hand, learned counsel for respondent No.1 has supported the impugned order passed by the learned Single Judge.

6. *Prima facie*, the facts stated in the preceding paragraph have a bearing on the controversy involved in the Writ Petition. Therefore, the order dated 02.08.2024 passed by the learned Single Judge is set aside. The learned Single Judge is requested to decide Writ Petition No.20923 of 2024 afresh after affording an opportunity of hearing to the parties.

7. Accordingly, the Writ Appeal is disposed of.

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

//TRUE COPY//

SD/-K. SHYLESI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, State of Telangana, Hyderabad.
2. The Commissioner, Bandlaguda Jagir Municipal Corporation, Ranga Reddy.
3. One CC to SRI S.V.RAMANA, Advocate. [OPUC]
4. One CC to SRI D.RAGHAVENDAR RAO, Advocate. [OPUC]
5. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
6. Section officer posting section High Court for the State of Telangana, Hyderabad.
7. Section officer writ (Non-Service) Section High Court for the State of Telanagan Hyderabad.
8. One CC to SRI S.ABHAYA KUMAR SAGAR, SC FOR BANDLAGUDA JAGIR MC. [OPUC]
9. Two CD Copies.

BSK
BS



HIGH COURT

DATED:28/08/2024

JUDGMENT

WA.No.1002 of 2024



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

(12)
24/09/24
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