

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH 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: 469 OF 2021

Writ Appeal under clause 15 of the Letters Patent against the order dated 31/08/2021 in W.P.No 15852/2021 on the file of the High Court.

Between:

M/s SaketMithalia Residents Association, (Regd.No.1051-2007) SaketMithalia Saket, KapraMandal ECIL Post, Medchel-Malkajgiri District rep.by its president smt.N.Sree Lakshmi w/o Sri RavindranathNamburi aged about 71 years r/o villa no.31/III/73 Mithila Colony, SaketMithila-Saket, Kapra Mandal, ECIL Post, Medchel-MalkajgiriDist Hyderabad

...APPELLANT

AND

1. The State of Telangana, rep.by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Hyderabad
2. The Greater Hyderabad Municipal corporation, rep.by its Commissioner, Liberty Tank Bund road, Hyderabad
3. The Dy.Commissioner, Greater Hyderabad Municipal Corporation, Kapra Circle-I Kapra Municipality and Mandal Medchel-Malkajgiri District
4. Sri Pappu Bhushan Rao, s/oLate. P.C.V.S.Rao, aged about 80 years. r/o Villa No.1-1-31/IV/14 Kapra village and Mandal, Medchel-Malkajgiri District

...RESPONDENTS

IA NO: 2 OF 2021

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 Building Permit No.3/C1/0669 312021, dt.10.05.2021, issued to the Respondent no.4.

IA NO: 1 OF 2024

Between:

Sri Pappu Bhushan Rao, s/o Late. P.C.V.S.Rao, aged about 80 years. r/o Villa No.1-1-31/IV/14 Kapra village and Mandal, Medchel-Malkajgiri District

...PETITIONER/RESPONDENT No.4

AND

1. M/s SaketMithalia Residents Association, (Regd.No.1051-2007) SaketMithalia Saket, KapraMandal ECIL Post, Medchel-Malkajgiri District rep.by its president smt.N.Sree Lakshmi w/o Sri RavindranathNamburi aged about 71 years r/o villa no.31/III/73 Mithila Colony, SaketMithila-Saket, Kapra Mandal, ECIL Post, Medchel-MalkajgiriDist Hyderabad
2. The State of Telangana, rep.by its Principal Secretary, Municipal Administration and Urban Development, Secretariat Hyderabad
3. The Greater Hyderabad Municipal corporation, rep.by its Commissioner, Liberty Tank Bund road, Hyderabad
4. The Dy.Commissioner, Greater Hyderabad Municipal Corporation, Kapra Circle-I Kapra Municipality and Mandal Medchel-Malkajgiri District

...RESPONDENTS/APPELLANT/RESPONDENTS

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 vacate the order dated 22-09-2021 passed in I.A.No. 2 of 2021 in W.A.No. 469 of 2019.

**Counsel for the Appellant : SRI J.PRABHAKAR, Sr.COUNSEL
for Ms.D.V.PADMAJA**

Counsel for the Respondent No.1 : Ms.T.RAJITHA, AGP FOR MA&UD

Counsel for the Respondents No.2&3 : SRI M.DURGA PRASAD, SC FOR GHMC

**Counsel for the Respondent No.4: SRI M.S.SRINIVASA IYENGAR, Sr.COUNSEL
for SRI MANIDEEP MADHAVARAPU**

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.469 of 2021

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

Mr. J.Prabhakar, learned Senior Counsel appears for Ms. D.V.Padmaja, learned counsel for the appellant.

Ms. T.Rajitha, learned Assistant Government Pleader for Municipal Administration and Urban Development Department appears for respondent No.1.

Mr. M.Durga Prasad, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) appears for respondents No.2 and 3.

Mr. M.S.Srinivasa Iyengar, learned Senior Counsel appears for Mr. Manideep Madhavarapu, learned counsel for respondent No.4.

2. This intra court appeal is filed against order dated 31.08.2021, passed by a learned Single Judge, by

which writ petition preferred by the appellant *viz.*, W.P.No.15852 of 2021 has been dismissed.

3. Facts giving rise to filing of this appeal briefly stated are that the appellant is a society registered under the provisions of Telangana Societies Registration Act, 2001. The Society filed a writ petition in which the proceeding dated 06.07.2001 issued by the Deputy Commissioner, GHMC under Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') was challenged and a consequential direction was sought to revoke/cancel the building permit No.3/C1/06693/2021 dated 10.05.2021, issued in favour of respondent No.4.

4. Learned Single Judge, by the impugned order dated 31.08.2021, dismissed the writ petition.

5. When the matter was called today, learned counsel for respondent No.4 submits that respondent No.4 is a patient of dementia. Learned counsel has obtained instructions from the children of respondent No.4 and has filed a memo before this Court on 24.09.2024 wherein it is stated that the children of respondent No.4 shall not carry on any construction in pursuance of the building permission issued in their favour.

6. In view of aforesaid submission, learned Senior Counsel for the appellant submits that grievance of the Society does not survive for consideration.

7. The memo filed on behalf of the children of respondent No.4 is taken on record. In view of the averments contained in the memo, no further orders are required to be passed in the writ appeal.

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8. Accordingly, the Writ Appeal is disposed of in terms of the memo dated 24.09.2024. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

//TRUE COPY//

Sd/-M.MANJULA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat State of Telangana, Hyderabad
2. The Commissioner, Greater Hyderabad Municipal corporation, Liberty Tank Bund road, Hyderabad
3. The Dy.Commissioner, Greater Hyderabad Municipal Corporation, Kapra Circle-I Kapra Municipality and Mandal Medchel-Malkajgiri District
4. One CC to Ms.D.VENKATA PADMAJA, Advocate. [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
6. One CC to SRI M.DURGA PRASAD, SC FOR GHMC. [OPUC]
7. One CC to SRI MANIDEEP MADHAVARAPU, SC FOR GHMC. [OPUC]
8. Two CD Copies.

BSK

LS 

HIGH COURT

DATED:25/09/2024



JUDGMENT

WA.No.469 of 2021

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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18/11/24
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