

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1306 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order
Dated 04/07/2024 in WP.No.7691 of 2014. on the file of the High Court.

Between:

1. Doonaboyina Somasekhara Rao, S/o. Raghavulu, Aged about 71 years, Occ. Retd. Employee R/o. Plot No.68, Seshadri Enclave, Chowdaryguda Village, Ghatkesar Mandal Medchal Malkajiri District (erstwhile R.R. District)
2. Nekkanti Vishnu Murthy, S/o Kashayya, Aged about 75 years, Occ. Retd Employee R/o. Plot No.97, Seshadri Enclave, Chowdaryguda Village, Ghatkesar Mandal Medchal Malkajiri District (erstwhile R.R. District)

...APPELLANTS

AND

1. The State of Telangana, Rep by its Principal Secretary Panchayat Raj and Rural Development Dept Secretariat, Hyderabad.
2. The Collector, Medchal Malkajiri District ECIL-Keesara Road, Near ORR, Godhumakunta Secunderabad - 501 301
3. The District Panchayat Officer, Medchal Malkajiri District Integrated District Office Complexes Anthaipally Village, Shameerpet Mandal - 500 078.
4. The Divisional Panchayat Officer, Ghatkesar Division Medchal Malkajiri District.
5. The Chowdaryguda Gram Panchayat, Rep by its Secretary Chowdaryguda Village, Ghatkesar Mandal Medchal-Malkajiri District. (erstwhile R.R. District)
6. M/s. Harsha Constructions, Rep by its Managing Partner Sri A. Venkatesh Office at H. No. 12-13-1215, Ground Floor, Franklin Villa, Street No.10, Tarnaka, Secunderabad

...RESPONDENTS

IA NO: 3 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 impugned orders passed by the Learned Single Judge, His Lordship Honourable Justice K. Sarath dated 04/07/2024 in W.P.No.7691 of 2014.

Counsel for the Appellants: SRI VIJAY B PAROPAKARI

**Counsel for the Respondent Nos.1,3 & 4: GP FOR PANCHAYAT RAJ & RURAL
DEV**

Counsel for the Respondent No.2: GP FOR REVENUE

**Counsel for the Respondent No.5: SRI J.PARTHA SARADHI FOR
SRI P.KISHORE RAO, SC FOR GRAM PANCHAYATH**

**Counsel for the Respondent No.6: M/s. K.MAANASA FOR M/s.CKR
ASSOCIATES**

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.1306 of 2024

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

Mr. Vijay B. Paropkari, learned counsel for the appellants.

Mr. J.Partha Saradhi, learned counsel representing Mr. P.Kishore Rao, learned Standing Counsel for the respondent No.5.

Ms. K.Maanasa, learned counsel representing M/s. CKR Associates, for the respondent No.6.

2. With the consent of the learned counsel for the parties, the appeal is heard finally.

3. This intra court appeal is filed against the order dated 04.07.2024 passed by the learned Single Judge by which the writ petition preferred by the appellants, namely W.P.No.7691 of 2014, has been disposed of on the ground

that the cause in the writ petition does not survive for consideration.

4. Learned counsel for the parties jointly submit that after the order was passed by the learned Single Judge, the Chowdaryguda Gram Panchayat has ceased to exist and has merged in the Pocharam Municipality. It is jointly submitted that in view of the aforesaid subsequent development, the respondent No.6 be granted the liberty to submit an application seeking building permission before the Pocharam Municipality and the appellants be granted the liberty to submit an objection to the aforesaid application as and when it is made.
5. In view of the aforesaid and in the facts and circumstances of the case as well as the subsequent development, which has taken place during the pendency of this appeal, the respondent No.6 is granted the liberty to move an application before the Pocharam Municipality seeking building permission. Needless to state that in case such an application is filed, the appellants shall be at liberty to file an objection to the aforesaid application

which may be filed by the respondent No.6. The competent authority shall consider the application as well as the objection which may be preferred by the appellants and shall decide the same in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the matter.

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

7. Accordingly, the appeal is disposed of.

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

//TRUE COPY//

**SD/-K. SHYLESI
DEPUTY REGISTRAR
SECTION OFFICER**

To

1. The Principal Secretary Panchayat Raj and Rural Development Dept Secretariat, Hyderabad, State of Telangana.
2. The Collector, Medchal Malkajiri District ECIL-Keesara Road, Near ORR, Godhumakunta Secunderabad - 501 301
3. The District Panchayat Officer, Medchal Malkajiri District Integrated District Office Complexes Anthaipally Village, Shameerpet Mandal - 500 078.
4. The Divisional Panchayat Officer, Ghatkesar Division Medchal Malkajiri District.
5. The Secretary Chowdaryguda Village, Chowdaryguda Gram Panchayat, Ghatkesar Mandal Medchal-Malkajiri District. (erstwhile R.R. District)
6. One CC to SRI VIJAY B PAROPAKARI, Advocate [OPUC]
7. One CC to SRI P.KISHORE RAO, SC FOR GRAM PANCHAYATH [OPUC]
8. One CC to SRI CKR ASSOCIATES, Advocate [OPUC]
9. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
10. Two CCs to GP FOR PANCHAYAT RAJ & RURAL DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
11. Two CD Copies

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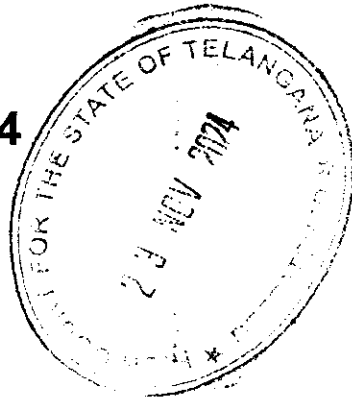
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HIGH COURT

DATED:19/11/2024

JUDGMENT

WA.No.1306 of 2024



Appeal

DISPOSING OF THE WRIT ~~PETITION~~
WITHOUT COSTS.

(15) Copies

DM
23/11/24