

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 332 OF 2024

Writ Appeal under clause 15 of the Letters Patent against the order dated 22/01/2024 in W.P.No. 8474 of 2023 on the file of the High Court.

Between:

1. Mamidi Omprakash, S/o. Late Mamidi Adivaiah, Aged about 80 years, Occ Retired Engineer, R/o. H. No. 2- 2- 1164/C, Tilak Nagar, Nallakunta, Hyderabad - 500 044.
2. M/s. Lord Furniture, Plot Nos. 243 and 260, Gachibowli, Serilingampally, Ranga Reddy District, Rep. by its Managing Partner, Ahmed Amirali Meghjani S/o. Late Amir Ali Meghjani, Aged about 56 years.
3. Shanthinath Granite and Marbles, Plot Nos. 250 and 253, Gachibowli, Serilingampally, Ranga Reddy District, Rep. by its Managing Partner, Rahul K. Chhedda S/o. Keshava P. Chhedda, Aged about 46 years.
4. Sneha Chicken Centre, R/o. Plot No. 423, Gachibowli, Serilingampally, Ranga Reddy District, Rep. by its Manager, N. Sanjeeva Reddy S/o. N. Papi Reddy, Aged about 50 years.
5. M/s. Shree Sai Coal Depot, R/o. Plot No. 212, Gachibowli, Serilingampally Mandal, Ranga Reddy District, Rep. by K. Satyanarayana Reddy S/o. Late Yadav Reddy, Aged about 41 years.
6. J. Upender Reddy, S/o. J. Narasimha Reddy, Aged about 70 years, Occ Retired Employee, R/o. H. No. 2- 2- 25/P/7/101, 1st Floor, Sai Krupa Four Regent, DD Colony, Bagh Amberpet, Hyderabad.
7. Mohammad Ibrahim, S/o. Mukkaram, Aged about 36 years, Occ Business, R/o. Plot No. 234, Gachibowli, Serilingampally, Ranga Reddy District.

...APPELLANTS

AND

1. The State of Telangana, Rep. by its, Principal Secretary to Municipal Administration and Urban Development, Secretariat, Hyderabad - 500022.
2. The Hyderabad Metropolitan Development Authority, Rep. by its Metropolitan Commissioner, Swarna Jayanti Complex, Sanjeeva Reddy Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad, Telangana - 500082.

3. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, CC Complex, Tank Bund Road, Lower Tank Bund, Adarsh Nagar, Hyderabad - 500063.
4. The Deputy Commissioner, Circle No. 20, GHMC, Serilingampally, Hyderabad.
5. The Zonal Commissioner, Circle No. 20, GHMC, Serilingampally, Hyderabad.
6. The Assistant City Planner, Circle No. 20, GHMC, Serilingampally, Hyderabad.
7. M. Yadaiah, S/o. Late Kondaiah, Aged about 52 years, Occ Agriculture, R/o. Gachibowli Village, Serilingampally Mandal, Ranga Reddy District.

...RESPONDENTS

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 direct the Learned Single Judge to pass the similar order that was passed in similar Writ Petitions.

IA NO: 1 OF 2025

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 the Pending Writ Appeal demolition of the existing structures in the plots in the layout ordered to be regularized in Sy. Nos. 51, 52 and 53(part) of Gachibowli Village to an extent of Ac. 36-26 Gts. and decide all the connected batch of Civil Revision Petitions and Writ Petitions while taking into consideration of all the factual aspects and legal issues including the non-existing claim U/s. 37-A of the Tenancy Act to the 7th respondent or any of the respondents pending disposal of the Writ Appeal and pass such other order or orders.

**Counsel for the Appellants : SRI C.HANUMANTHA RAO,
rep., SRI V.VENUMADHAV**

Counsel for the Respondent No.1 : GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2 : SRI V.NARASIMHA GOUD, SC FOR HMDA

**Counsel for the Respondent No.3to6 : SRI G.MADHUSUDHAN REDDY,
SC FOR GHMC**

**Counsel for the Respondent No.7 : SRI HARENDER PERSHAD, Sr.Counsel
rep., SRI D.JAGAN MOHAN REDDY**

The Court made the following: JUDGMENT

**THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA**

WRIT APPEAL No.332 of 2024

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul):*

Sri C. Hanumantha Rao, learned counsel represents Sri K. Venumadhav, learned counsel for the appellants; Ms.T.V. Sudha, learned counsel represents Sri V. Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA), for respondent No.2; Sri G. Madhusudhan Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC), for respondent Nos.3 to 6 and Sri Harender Pershad, learned Senior Counsel represents Sri D. Jagan Mohan Reddy, learned counsel for respondent No.7.

2. Heard on admission.

3. In the present appeal, the subject matter of challenge is the order of learned Single Judge dated 22.01.2024 passed in W.P.No.8474 of 2023, which reads thus:

“The petitioners in this Writ Petition have called in question the speaking orders passed by respondent No.3 dated 28-02-2023, 27-02-2023, 06-03-2023 and 27-03-2023 directing for removal of alleged unauthorized constructions in respect of petitioners' plot bearing Nos.168, 212, 233, 234, 243, 250, 253, 260 and 423 in the layout in Sy.Nos.51, 52 and 53 part of

Gachibowli village, Serilingampally Mandal,
Ranga Reddy District.

2. During the course of hearing on admission on 28-03-2023, this Court, having noted that respondent No.3 had issued individual speaking orders to the petitioners directing them to remove the unauthorized constructions, observed that the petitioners, instead of filing a common Writ Petition, are required to file individual Writ Petitions against the individual speaking orders passed. The learned Senior Counsel appearing on behalf of petitioners on the said date informed the Court that the petitioners would be taking appropriate steps for questioning the impugned orders.

3. Sri D.Jagan Mohan Reddy, learned counsel appearing on behalf of 7th respondent informed this Court today that subsequent to the aforesaid direction/observation by this Court, some of the petitioners have filed separate Writ Petitions vide W.P.Nos.10140 of 2023, 10164 of 2023, 16629 of 2023 and 10151 of 2023 whereby the speaking orders passed were called in question.

4. Having regard to the submissions made as above and also taking note of the fact that some of the petitioners have called in question the speaking order passed in their respective cases, this Court is of the view that the present Writ Petition as filed collectively by the petitioners challenging the individual speaking orders passed cannot be proceeded with and the same has become infructuous.

5. Accordingly, the Writ Petition is closed as infructuous. No costs.

6. It is made clear that this Court has not expressed any opinion on the merits of the matter.

7. As a sequel, miscellaneous petitions pending if any shall stand closed. No costs."

4. During the course of hearing, it is pointed out that

appellant Nos.2, 3, 4 and 6 of the instant writ appeal filed

W.P.Nos.16629, 10151, 10164 & 10140 of 2023 respectively, which were decided by the learned Single Judge on 11.03.2024, 19.02.2024, 19.02.2024 & 01.02.2024 respectively on similar lines. One such order in W.P.No.10140 of 2023 reads thus:

"This Writ Petition is filed for issuance of Writ of Mandamus to declare the action of the respondents, in particular the 3rd respondent, in passing the speaking order dt.27.03.2023 vide Proc.No.7776/UC/2022 directing removal of the alleged unauthorized constructions, as being illegal and arbitrary.

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, Sri V.Narasimha Goud, learned Standing Counsel appearing for respondent No.2, Sri M.A.K.Mukheed, learned Standing Counsel, appearing for respondents No.3 to 6, Sri D.Jagan Mohan Reddy, learned counsel appearing for respondent No.7, and with their consent the Writ Petition is taken up for hearing and disposal at admission stage.

3. In view of the facts and circumstances of the case, without delving into the merits of the matter, since the petitioner has a remedy of appeal under Sections 654 and 655 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), against the impugned proceeding; that admittedly, the petitioner did not avail the said remedy; and that as it is not shown to this Court of the said remedy of appeal is inefficacious, this Court is of the view that the petitioner should be relegated to avail the remedy of appeal under Sections 654 and 655 of the Act.

4. Since this Court is now relegating the petitioner to avail the remedy of appeal, this Court is of the considered view that petitioner is to be granted three (03) weeks time to avail the remedy of appeal before the concerned authority.

5. Accordingly, petitioner is granted three (03) weeks time, from the date of receipt of a copy of

this Court, to avail the remedy of appeal under Sections 654 and 655 of the Act, and on the petitioner filing such appeal before the concerned authority within the aforesaid period, the appeal shall be taken on record by the said authority without taking objection as to limitation. Further, since this Court is now relegating the petitioner to avail the remedy of appeal, the respondents-authorities shall not give effect to the impugned order till the expiry of time as granted by this Court.

6. Subject to above observations and granting liberty to the petitioner as aforesaid, the Writ Petition is disposed of. No order as to costs.

7. It is also made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

8. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed."

5. During the course of argument, it is not disputed that the speaking orders which became subject matter of challenge in case of appellant Nos.3, 4 and 6 in W.P.Nos.10151, 10164 & 10140 of 2023 are same/similar which have become subject matter of challenge in W.P.No.8474 of 2023 filed by the present appellants.

6. Learned Single Judge although held that the W.P.No.8474 of 2023 has rendered infructuous, for all practical purposes, the orders passed in W.P.Nos.16629, 10151, 10164 & 10140 of 2023 must govern their fate because subject matter of challenge was the similar speaking orders passed by the competent authority.

7. In W.P.Nos.16629, 10151, 10164 & 10140 of 2023, the appellant Nos.2, 3, 4 and 6 were granted three weeks time to avail the remedy of appeal under Section 654 and 655 of the Greater Hyderabad Municipal Corporation Act, 1955. Sri Harender Pershad, learned Senior Counsel for respondent No.7 informed that in furtherance thereof, the writ petitioners in W.P.Nos.10151, 10164 & 10140 of 2023, who are appellant Nos.3, 4 and 6 herein, have already preferred appeals i.e. M.A.Nos.52, 51 & 50 of 2024 respectively which came to be dismissed on 19.09.2024.

8. Appellant Nos.2, 3, 4 and 6, in all fairness, should have filed an additional affidavit in this writ appeal to apprise the Court that they filed different writ petitions i.e., W.P.Nos.16629, 10151, 10164 & 10140 of 2023 which came to be disposed of by orders dated 11.03.2024, 19.02.2024, 19.02.2024 & 01.02.2024 respectively.

9. Since the appellants herein are similarly situated and appellant Nos.2, 3, 4 and 6 have already tested the speaking orders in W.P.Nos.16629, 10151, 10164 & 10140 of 2023, we are only inclined to observe that the impugned order of learned Single Judge whereby W.P.No.8474 of 2023 was held to be infructuous shall stand modified by orders passed in W.P.Nos.16629, 10151, 10164 & 10140 of 2023. No further relief is due to the appellants.

10. Accordingly, this Writ Appeal is **disposed of**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

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SD/-T. KRISHNA KUMAR
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary to Municipal Administration and Urban Development, State of Telangana, Secretariat, Hyderabad - 500022.
2. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Swarna Jayanti Complex, Sanjeeva Reddy Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad, Telangana - 500082.
3. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Adarsh Nagar, Hyderabad - 500063.
4. The Deputy Commissioner, Circle No. 20, GHMC, Serilingampally, Hyderabad.
5. The Zonal Commissioner, Circle No. 20, GHMC, Serilingampally, Hyderabad.
6. The Assistant City Planner, Circle No. 20, GHMC, Serilingampally, Hyderabad.
7. The section officer, writ non service section, High court for the state telangana
8. One CC to SRI V.VENUMADHAV, Advocate. [OPUC]
9. Two CCs to GP FOR MCPL ADMN.URBAN DEV, High Court for the State of Telangana [OUT]
10. One CC to SRI V.NARASIMHA GOUD, SC FOR HMDA. [OPUC]
11. One CC to SRI G.MADHUSUDHAN REDDY, SC FOR GHMC. [OPUC]
12. One CC to SRI D.JAGAN MOHAN REDDY, Advocate. [OPUC]
13. Two CD Copies.

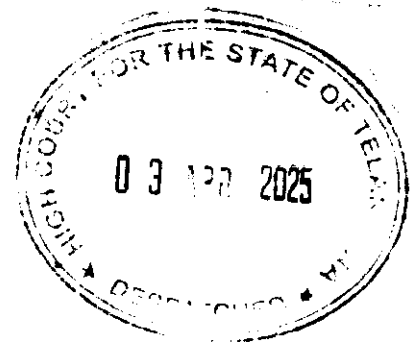
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HIGH COURT

DATED:20/02/2025

JUDGMENT

WA.No.332 of 2024



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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04/03/25
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