

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

TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 352 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order
Dated 30/12/2025 in WP.No.39913 of 2025 on the file of the High Court.

Between:

Shri Sharad Tapadia, S/o. Late Dr. Krishna Prasad Tapadia, Aged about 50
years, Occ. Business, R/o. M.No.5-8-280, Mahesh Nagar Colony, Nampally,
Hyderabad.

**...APPELLANT/
RESPONDENT No.6 IN W.P**

AND

1. Dr. Kartar Singh, S/o. Murar Singh, Hindu, Aged about 74 years, Occ. Medical Practitioner, R/o. H.No.3-6-69/4/a, Avanti Nagar, Basheerbagh, Hyderabad-500029.

**...RESPONDENT/
PETITIONER IN W.P**

2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration, Urban Development, TS Secretariat, Hyderabad (TS).
3. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund Road, Hyderabad, Telangana State.
4. The Chief City Planner, Greater Hyderabad Municipal Corporation, Circle No.14, Abids, Hyderabad, Telangana State.
5. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.14, Abids, Hyderabad.
6. The Assistant Town Planner, Greater Hyderabad Municipal Corporation, Circle No.14, Abids, Hyderabad.

**...RESPONDENTS/
RESPONDENT Nos.1 TO 5 IN W.P**

IA NO: 3 OF 2026

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 Order passed in WP No.39913 of 2025, Dt.30-12-2025 pending disposal of the main Writ Appeal in the interest of justice.

Counsel for the Appellant: SRI BANKATLAL MANDHANI
Counsel for the Respondent No.1: SRI R.A.ACHUTHANAND
Counsel for the Respondent No.2: GP FOR MPCL ADMN & URBAN DEV
Counsel for the Respondent Nos.3 TO 6: SRI MIDDE ARUN KUMAR, SC FOR
GHMC

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

The Hon'ble The Chief Justice Sri Aparesh Kumar Singh

and

The Hon'ble Sri Justice G.M.Mohiuddin

Writ Appeal No.352 of 2026

Dated: 24.03.2026

Between:

**Shri Sharad Tapadia
S/o late Dr. Krishna Prasad Tapadia
Aged about 50 years, Business, R/o M.No.5-8-280,
Mahesh Nagar Colony, Nampally, Hyderabad**

...Appellant

and

**Dr. Kartar Singh, S/o Murar Singh,
Hindu, aged about 74 years,
Occ: Medical Practitioner, R/o. H.No.3-6-69/4/a,
Avanti Nagar, Basheerbagh,
Hyderabad – 500029 and 5 others**

...Respondents

Order:

Heard Mr. Bankatlal Mandhani, learned counsel appearing for the appellant; Mr. R.A.Achuthanand, learned counsel appearing for respondent No.1 and Mr. Midde Arun Kumar, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) appearing for respondents No.3 to 6.

2. The instant Writ Appeal arises out of Order dated 30.12.2025, passed by the learned Writ Court in W.P.No.39913 of 2025. Respondent No.6 therein is the appellant herein.

3. The Greater Hyderabad Municipal Corporation (GHMC), by a speaking order dated 23.12.2025, directed the appellant to remove the unauthorized construction raised by him in property bearing H.No.5-8-280, Mahesh Nagar Colony, Nampally, Hyderabad (for short 'the subject property'). The complainant (writ petitioner), upon whose representation proceedings were initiated by the GHMC, had approached the writ court by filing W.P.No.39913 of 2025, alleging inaction of GHMC in not passing a speaking order on his complaint. During pendency of the writ petition, GHMC produced the speaking order dated 23.12.2025 before the learned writ court, based on which the impugned order dated 30.12.2025 has been passed. The appellant, being aggrieved, has preferred the instant Writ Appeal.

4. The impugned order, dated 30.12.2025, is brief and therefore extracted *in extenso*:

“Heard Mr. R.A. Achuthanand, learned counsel for the petitioner, and Mr. Midde Arun Kumar, learned standing counsel for the GHMC, appearing for respondent Nos.2 to 5.

2. The case of the petitioner is that on his complaint regarding the unauthorized construction made by respondent No.6, action was initiated by the GHMC authorities and show-cause notice under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act 1955 (for short 'GHMC Act') vide Notice No.280/5/TPS/C-14/KBZ/GHMC/2025 dated 01.12.2025 was issued to respondent No.6 and thereafter speaking order vide Notice No.280/5/TPS/C-14/KBZ/GHMC/2025 dated 23.12.2025 was also passed directing respondent No.6 to remove the unauthorized 1st to 4th floors constructed in the property bearing H.No.5-8-280, Mahesh Nagar Colony, Nampally.

Hyderabad. Despite the same, action has not been initiated by the GHMC authorities for implementing the same and with impunity, respondent No.6 is proceeding with the construction activity.

3. As speaking order dated 23.12.2025 is already passed, respondent No.4 is directed to forthwith seal the unauthorized construction made by respondent No.6 in the property bearing H.No.5-8-280, Mahesh Nagar Colony, Nampally, Hyderabad, and also implement the speaking order dated 23.12.2025.

4. Further, as this order is passed without entering into the merits of the case, notice to respondent No.6 is dispensed with. If respondent No.6 is in anyway aggrieved by this order, he is at liberty to approach this Court seeking modification of this order.

5. With the above observations, the writ petition is disposed of. There shall be no order as to costs."

5. Learned counsel for the appellant submits that, without notice to him, a direction has been issued upon the GHMC to seal the unauthorized construction made by him in the subject property and also to implement the speaking order dated 23.12.2025. Therefore, the impugned order is susceptible to interference.

6. Learned Standing Counsel for GHMC submits, on instructions, that after passing of the speaking order dated 23.12.2025, the appellant has filed an application for regularization, that too not in a prescribed format. GHMC has already sealed the subject property on 13.01.2026, since the impugned speaking order dated 23.12.2025, was not being carried out by the appellant herein. It is submitted that the appellant has carried out construction of higher floors on the basis of a building permission of 2018,

after expiry of the stipulated period, which is impermissible in law. The GHMC is bound to effect the order of demolition in accordance with law. Learned writ court has, however, while issuing direction to seal the unauthorized construction made by the appellant, further issued the direction to implement the speaking order dated 23.12.2025, which is innocuous in nature. The appellant should not be aggrieved by that. Learned writ court also gave an opportunity to the appellant to seek modification of the impugned order dated 30.12.2025, if he is so aggrieved. In any case, so long as there is no interference or stay of the direction to demolish the unauthorized construction as per the speaking order dated 23.12.2025, GHMC is obliged to carry out the demolition in accordance with law.

7. Learned counsel for the writ petitioner submits that the order to remove unauthorized construction was passed after due opportunity to the appellant, who failed to avail it. Therefore, the GHMC is obliged to carry out the demolition as per the speaking order dated 23.12.2025. Moreover, the appellant has not assailed the said order.

8. Learned counsel for the appellant has referred to a decision of the Supreme Court in **M/s. Aarsuday Projects & Infrastructure (P) Ltd. V. Jogen Chowdhury and others**¹, wherein it was observed that in case of an irregularity, especially where the building plan had been duly vetted by the

¹ 2026 LiveLaw (SC) 90

higher forum *i.e.*, Zilla Parishad and construction was undertaken in a *bona fide* manner, the irregularity must be curable in nature. In the absence of any tangible evidence of fraud, misrepresentation or deliberate circumvention of statutory requirements, such a procedural lapse, even if assumed to exist, could not render the construction *per se* illegal, nor could it justify the issuance of the direction for demolition, which is an extremely draconian consequence reserved for cases of blatant and substantive illegalities and violation. It is submitted that the construction undertaken by the appellant is pursuant to the building plan sanctioned in his favour. Therefore, he has applied for regularization of any deviations in construction of the building.

9. We have considered the submissions of learned counsel for the parties.

10. The background facts referred to above need no repetition. It is, however, evident that the impugned order has been passed without any notice to the appellant, against whom the GHMC had passed a speaking order on 23.12.2025, for demolition of the unauthorised construction. Appellant, therefore, had reason to feel aggrieved. However, upon consideration of rival submissions of the parties and specially the stand of GHMC, it appears that pursuant to passing of the speaking order dated 23.12.2025, for removal of unauthorized construction, the subject

property has also been sealed, which is the statutory obligation of GHMC in such matters. It is also evident that appellant has not laid any challenge to the speaking order dated 23.12.2025. In these circumstances, the GHMC is statutorily obliged to act in accordance with law and carry out the speaking order dated 23.12.2025. Appellant seems to have made an application for regularization of the deviation/unauthorized construction made on the subject property, but after passing of the speaking order dated 23.12.2025, which may be dealt with by the GHMC in accordance with law within a reasonable time. However, if the appellant has not assailed the speaking order dated 23.12.2025, or is not able to obtain any stay against that, there is no legal impediment for the GHMC to carry out the said order to its logical extent in accordance with law.

11. The decision in the case of **M/s.Aarsuday Projects & Infrastructure (P) Limited** (supra) does not come to the aid of the petitioner as on one hand, the respondent GHMC has after compliance of the principles of natural justice passed a speaking order on 23.12.2025 for demolition of the unauthorised construction since the construction of higher floors were carried much after expiry of the building plan sanctioned in the year 2018. At the same time, the petitioner has not assailed the speaking order in any proceedings before any appropriate forum or court of law. On the other hand, the petitioner has filed an

application not in the prescribed format seeking regularisation of the unauthorised construction after passing of the reasoned order on 23.12.2025. However, taking into note of that, this Court has also observed in the instant order that the respondent GHMC should deal with the application for regularisation of the deviations/unauthorised construction made on the subject property in accordance with law within a reasonable time.

12. The instant Writ Appeal is disposed of accordingly. No costs.

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

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration, Urban Development, TS Secretariat, Hyderabad, State of Telangana.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad, Telangana State.
3. The Chief City Planner, Greater Hyderabad Municipal Corporation, Circle No.14, Abids, Hyderabad, Telangana State.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.14, Abids, Hyderabad.
5. The Assistant Town Planner, Greater Hyderabad Municipal Corporation, Circle No.14, Abids, Hyderabad.
6. One CC to SRI BANKATLAL MANDHANI, Advocate [OPUC]
7. One CC to SRI MIDDE ARUN KUMAR, SC FOR GHMC [OPUC]
8. Two CCs to GP FOR MPCL ADMN & URBAN DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
9. One CC to SRI R.A.ACHUTHANAND, Advocate [OPUC]
10. Two CD Copies

PSK.
TKS

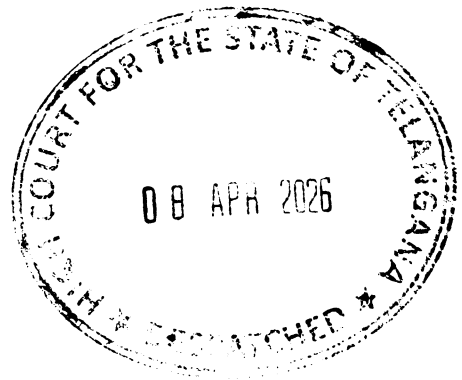
Jks

HIGH COURT

DATED:24/03/2026

JUDGMENT

WA.No.352 of 2026



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

(13) — JKS
4/4/26