

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

**WEDNESDAY, THE EIGHTEENTH 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**

I.A No.1 of 2026 IN /AND WRIT APPEAL NO: 329 OF 2026

AND

I.A No.1 of 2026 IN /AND WRIT APPEAL NO: 330 OF 2026

WRIT APPEAL NO: 329 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against the Order Dated 06/03/2026 in WP.No. 15443 of 2024. on the file of the High Court.

Between:

Sudarshan 35MM, RTC X Rd, Chikkadpally, Himayatnagar, Hyderabad, Telangana 500020. Represented by its partner Mr. Tadla Vishwamber.

...APPELLANT

AND

1. Ramavath Prem Kumar, S/o Ramavath Mangta Naik, Age 28 years, Occ: Law Student, Plot No 23, Csr colony, Bagh hayat nagar, Hayath Nagar, Rangareddy, Telangana State - 501505.
2. State of Telangana, Rep by its Principal Secretary Dept of Municipal Administration And Urban Development MA and UD BRKR Bhawan NH 44 Hill Fort Adarsh Nagar, Hyderabad, Telangana - 500063.
3. Commissioner and Director of Municipal Administration CDMA, Rep by Commissioner, BRKR Bhawan, NH 44 Hill Fort, Adarsh Nagar, Hyderabad, Telangana - 500063.
4. Greater Hyderabad Municipal Corporation, Rep by Commissioner, CC Complex, Tank Bund Road, Lower Tank Band, Hyderabad - 500063.
5. Asian Mukta A2 Konark, Dilshuknagar, Hyderabad Telangana - 500060. Rep by its Cinemas License Holder

...RESPONDENTS

IA NO: 1 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 grant leave to the Appellant herein to challenge the order dated 06.03.2026 in WP No. 15443 of 2024 of the Ld. Single Judge of this Hon'ble Court by filing the above Writ Appeal.

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 dated 06.03.2026 passed by the Ld. Single Judge in WP No. 15443 of 2024.

Counsel for the Appellant :SRI. SIRGAPOOR SAHIL REDDY

Counsel for the Respondent No.1: SRI VIJAY GOPAL

**Counsel for the Respondents No.2 & 3: SRI G. BHASKAR,
GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT**

**Counsel for the Respondent No.4: SRI G. MADHUSUDHAN REDDY,
SC FOR GHMC**

Counsel for the Respondent No.5: SRI SIRGAPOOR SAHIL REDDY

WRIT APPEAL NO: 330 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the Order dated 06/03/2026 in W. P. No.15443 of 2024. on the file of the High Court.

Between:

M/s. R.R. Cine Enterprise, Nacharam-Mallapur Rd, Near Bus Stop, Sri Sai Nagar, New Raghavendra Nagar, Nacharam, Hyderabad, Secunderabad, Telangana-500076 Rep by its partner Nimmala Sunil Kumar Goud.

...APPELLANT

AND

1. Ramavath Prem Kumar, S/o. Ramavath Mangta Naik, Age 28 years, Occ Law Student, Plot No 23, Csr colony, Bagh hayatnagar, Hayath Nagar, Rangareddy, Telangana State - 501505.
2. State of Telangana, Rep by its Principal Secretary Dept of Municipal Administration And Urban Development MA and UD BRKR Bhawan NH 44 Hill Fort Adarsh Nagar, Hyderabad, Telangana - 500063.

3. Commissioner and Director of Municipal Administration CDMA, Rep by Commissioner, BRKR Bhawan, NH 44 Hill Fort, Adarsh Nagar, Hyderabad, Telangana - 500063.
4. Greater Hyderabad Municipal Corporation, Rep by Commissioner, CC Complex, Tank Bund Road, Lower Tank Band, Hyderabad - 500063.
5. Asian Mukta A2 Konark, Dilshuknagar, Hyderabad Telangana - 500060. Rep by its Cinemas License Holder.

...RESPONDENTS

IA NO: 1 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 grant leave to the Appellant herein to challenge the order dated 06.03.2026 in WP No. 15443 of 2024 of the Ld. Single Judge of this Honble Court by filing the above Writ Appeal.

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 dated 06.03.2026 passed by the Ld. Single Judge in WP No. 15443 of 2024.

**Counsel for the Appellant : SRI S.NIRANJAN REDDY, SENIOR COUNSEL
REPRESENTING Ms. VAKA SRIHITHA**

Counsel for the Respondent No.1: SRI VIJAY GOPAL

**Counsel for the Respondents No.2 & 3: SRI G. BHASKAR,
GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT**

**Counsel for the Respondent No.4: SRI G. MADHUSUDHAN REDDY,
SC FOR GHMC**

Counsel for the Respondent No.5: SRI SIRGAPOOR SAHIL REDDY

The Court made the following: COMMON 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

I.A.No.1 of 2026 in/and Writ Appeal No.329 of 2026
and
I.A.No.1 of 2026 in/and Writ Appeal No.330 of 2026

Dated: 18.03.2026

W.A.No.329 of 2026

Between:

Sudarshan 35MM, RTC X Rd, Chikkadpally,
Himayatnagar, Hyderabad, Telangana – 500 020,
Represented by its partner Mr. Tadla Vishwamber.

...Appellant

and

Ramavath Prem Kumar
and 4 others.

...Respondents

W.A.No.330 of 2026

Between:

M/s. R.R.Cine Enterprise, Nacharam-Mallapur Rd,
Near Bus Stop, Sri Sai Nagar, New Raghavendra Nagar,
Nacharam, Hyderabad, Secunderabad, Telangana – 500076,
Rep. by its partner Nimmala Sunil Kumar Goud.

...Appellant

and

Ramavath Prem Kumar
and 4 others.

...Respondents

COMMON JUDGMENT:

Learned counsel Sri Sirgapoor Sahil Reddy appears for the leave applicant/appellant in W.A.No.329 of 2026 and for respondent No.5 in both the writ appeals, who is respondent No.4 in the writ petition.

Learned Senior Counsel Sri S.Niranjana Reddy, representing learned counsel Ms. Vala Srihitha, appears for the leave applicant/appellant in W.A.No.330 of 2026.

Learned counsel Sri Vijay Gopal, appears for respondent No.1/writ petitioner.

Sri G.Bhaskar, learned Government Pleader for Municipal Administration and Urban Development Department, appears for respondents No.2 and 3, who are respondents No.1 and 2 in the writ petition.

Sri G.Madhusudhan Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC), appears for respondent No.4, who is respondent No.3 in the writ petition.

2. The leave applicants are seeking to prefer the appeals aggrieved by the interim order dated 06.03.2026 passed in W.P.No.15443 of 2024, whereby the learned writ court has suspended the impugned G.O.Ms.No.121, dated 20.07.2021, issued by respondent No.1 in the writ petition, permitting the owners of the standalone cinema theatres to collect the parking fee from the persons who park the vehicles in their premises. The learned writ court has also directed respondent No.1 to communicate to the owners of standalone cinema theatres falling in their respective jurisdictions not to collect the parking fee from the persons/patrons who park the vehicles and produce a copy of the movie tickets. The writ petition was preferred by an individual alleging that he was charged Rs.20.00 for parking his vehicle (two-wheeler) bearing No.AP 11 AF 7290 when he visited the standalone theatre of respondent No.4 in the writ petition (Asian Mukta A2 Konark) to watch a movie on 14.06.2024. He alleged that collection of parking charges from the patrons visiting the theatre is illegal, arbitrary and also against the orders of the Andhra Pradesh High Court and also contrary to the provisions of law.

3. Respondent No.4 in the writ petition was collecting parking charges from the writ petitioner relying upon G.O.Ms.No.121, dated

20.07.2021, issued by the Municipal Administration and Urban Development Department, Government of Telangana, which allowed the standalone theatres in the State to collect the parking fee, contrary to the law citing COVID reason as well. The writ petitioner contended that the impugned Government Order violates Section 176(6) of the Telangana Municipalities Act, 2019 (hereinafter referred to as, "Act of 2019"), which mandates that parking should be provided free of charge in cinema halls. He also relied upon a decision in **Ch.Madan Mohan v. Municipal Corporation of Hyderabad**¹ rendered by a learned Single Bench of the erstwhile High Court of Andhra Pradesh. He also referred to the Telangana Building Rules, 2012, which lay down the parking requirements. The impugned Government Order was issued in modification of G.O.Ms.No.63, dated 20.03.2018, which clarified that as per the Telangana Building Rules, 2012, Commercial Establishments/ Malls/ Multiplexes shall not collect parking fee from any person subject to certain conditions regarding the purpose and duration of the visit. The writ petitioner contended that mandating creation of parking spaces in buildings, especially those of a commercial nature, has been introduced to serve the interests of the public. Lack of sufficient parking spaces within these premises leads to people parking their vehicles upon

¹ 2003 (4) ALD 6

the margins of roads which in turn results in congestion of roads and an increased risk of accidents for commuters. Since the writ petitioner did not have any alternative remedy to redress his grievance, the writ petition was filed with a prayer to declare the collection of parking charges from him by any commercial establishments in Telangana as illegal and to set aside G.O.Ms.No.121, dated 20.07.2021, issued by respondent No.1 in the writ petition as arbitrary and violative of Section 176(6) of Act of 2019 and also in violation of Article 14 of the Constitution of India.

4. The writ petition remained pending awaiting filing of counter affidavit by the concerned respondents, including respondent No.4 therein. The impugned interim order was passed on 06.03.2026 in the terms indicated hereinabove referring to G.O.Ms.No.63, dated 20.03.2018, and after taking note of the decision rendered in the case of **Ch.Madan Mohan** (supra).

5. Learned Senior Counsel appearing for the leave applicant in W.A.No.330 of 2026 submits that the writ petition was instituted by an individual against levy of parking fee by respondent No.4 in the writ petition, a standalone cinema theatre, and also laying a challenge to G.O.Ms.No.121, dated 20.07.2021, which permitted the owners of

standalone cinema theatres to collect the parking fee from the persons who park the vehicles in their premises. It was not in the nature of a public interest litigation. Except respondent No.4 in the writ petition, all other parties/standalone cinema theatres who would likely be affected by the adjudication on the validity of G.O.Ms.No.121, dated 20.07.2021, were neither impleaded in individual capacity nor in representative capacity. However, the impugned interim order in the nature of a final order has effectively stopped persons like the leave applicants from collecting the parking fee from the persons who park the vehicles in their premises while coming to watch cinemas in their theatres. It is submitted that the impugned interim order, if it is in the nature of a final relief and affects the vital and valuable rights of the parties causing serious injustice to not only the parties concerned but persons who are not parties to the litigation, the Letters Patent Appeal under Clause 15 is maintainable in view of the authoritative pronouncement of the Apex Court in the case of **Shah Babulal Khimji v. Jayaben D. Kania**². He has referred to paragraphs 114 and 115 of the said decision. It is submitted that the leave applicants are ready and willing to seek impleadment in the pending writ petition and contest the matter since it vitally affects their rights also. However, as on date, the impugned

² (1981) 4 SCC 8

interim order effectively prohibits non-parties, like the leave applicants, from collecting the parking fee, though the writ petition was preferred in individual capacity against a cause of action affecting the writ petitioner only. If the validity of G.O.Ms.No.121, dated 20.07.2021, is to be adjudicated, it is in the fitness of things that the affected parties also should have been impleaded and are represented. It is, therefore, submitted that the applicants may be allowed leave to prefer these appeals and seek quashing of the impugned interim order passed by the learned writ court.

6. Learned counsel for the writ petitioner contends that the challenge to G.O.Ms.No.121, dated 20.07.2021, raises legal and constitutional issues which can very well be adjudicated before the learned writ court. The matter had remained pending for long awaiting filing of counter affidavits. After release of the matter by the previous Bench, it was listed before the present Bench having roster, where the interim order has been passed after being satisfied with the *prima facie* case made out by the writ petitioner. He submits that if G.O.Ms.No.121, dated 20.07.2021, is quashed, the consequences arising thereof would flow to all persons whether impleaded as party or not. Therefore, the learned writ court was not in error in suspending the impugned

Government Order while also directing respondent No.1 to communicate to the owners of standalone cinema theatres falling in their respective jurisdictions not to collect the parking fee from the persons/patrons who park the vehicles in their premises. He also submits that the decision cited by the learned Senior Counsel appearing for the leave applicant in W.A.No.330 of 2026 in **Shah Babulal Khimji** (supra) is rendered in a civil appeal and not in a matter arising out of writ jurisdiction.

7. Learned Government Pleader appearing for the State and the learned Standing Counsel for GHMC submit that their counter affidavits have not been filed in the writ petition.

8. Respondent No.4 in the writ petition was represented by one Sri K.Durga Prasad, learned counsel. Sri Sirgapoor Sahil Reddy, learned counsel on record in the present appeal, has entered appearance for the said respondent before the learned writ court after passing of the impugned order. No counter affidavit was filed by respondent No.4 in the writ petition before the learned writ court by the time the impugned interim order was passed.

9. We have heard the learned Senior Counsel appearing for the leave applicant in W.A.No.330 of 2026, learned counsel for the writ petitioner, learned Government Pleader appearing for the State, learned Standing Counsel for GHMC and the learned counsel appearing for respondent No.4 in the writ petition.

10. It appears that the impugned interim order has been passed not only suspending the G.O.Ms.No.121, dated 20.07.2021, but also directing the respondent No.1 in the writ petition to communicate to the owners of standalone cinema theatres falling in their respective jurisdictions not to collect the parking fee from the persons/patrons who park the vehicles and produce a copy of the movie tickets. It is also not in dispute that the leave applicants or any other standalone cinema theatres were not parties before the learned writ court, apart from respondent No.4 therein – Asian Mukta A2 Konark. The writ petition is yet to be finally adjudicated. However, the impugned interim order directing the owners of standalone cinema theatres not to collect parking fee from persons who park their vehicles and produce a copy of the movie tickets, affects not only the respondent No.4 in the writ petition but other standalone cinema theatres, though they are not represented before the learned writ court. The cause of action raised by the writ

petitioner was directed against the respondent No.4 – Asian Mukta A2 Konark, when he was charged Rs.20.00 for parking his vehicle, a two-wheeler, during his visit to a standalone cinema theatre of respondent No.4 in the writ petition. The interests of other standalone cinema theatres would obviously be affected, if the impugned interim order is not confined to the respondent No.4 in the writ petition. It is also clear that the impugned interim order affects the valuable rights of persons, like the leave applicants. Therefore, we are inclined to agree with the prayer made by the leave applicants to allow it prefer these appeals against the impugned interim order passed by the learned writ court.

11. The leave applications, i.e., I.A.No.1 of 2026 in W.A.No.329 of 2026 and I.A.No.1 of 2026 in W.A.No.330 of 2026, are accordingly allowed.

12. Upon hearing the learned counsel for the parties, we are of the considered view that the impugned interim order deserves to be confined to respondent No.4 in the writ petition. The appellants are allowed to seek impleadment in the writ petition in order to contest the challenge to G.O.Ms.No.121, dated 20.07.2021.

13. Since the main writ petition is pending awaiting completion of pleadings, we dispose of the writ appeals with the aforesaid directions and modification of the impugned interim order. The concerned official and unofficial respondents shall file their respective affidavits before the learned writ court within a reasonable time so that the main issue is decided expeditiously.

14. As observed hereinabove, the appellants shall also seek impleadment in the pending writ petition and raise all grounds of law and fact as are available to them to contest the challenge to the impugned G.O.Ms.No.121, dated 20.07.2021.

15. The instant writ appeals stand disposed of with the aforesaid observations and directions. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- V.KAVITHA
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Dept of Municipal Administration And Urban Development, State of Telangana, MA and UD BRKR Bhawan NH 44 Hill Fort Adarsh Nagar, Hyderabad, Telangana - 500063.
2. The Commissioner, Commissioner and Director of Municipal Administration CDMA, BRKR Bhawan, NH 44 Hill Fort, Adarsh Nagar, Hyderabad, Telangana - 500063.
3. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Band, Hyderabad - 500063.
4. One CC to SRI. SIRGAPOOR SAHIL REDDY, Advocate [OPUC]
5. One CC to SRI. V VIJAY GOPAL RAO, Advocate [OPUC]

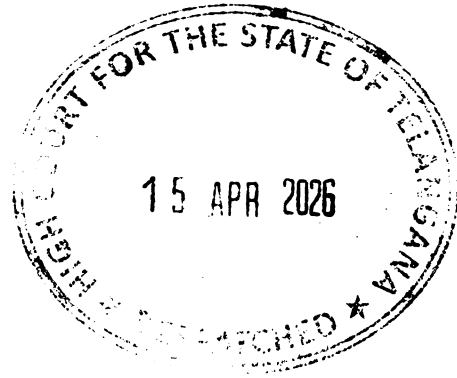
6. Two CCs to GP for MUNICIPAL ADMINISTRATION and URBAN DEVELOPMENT ,High Court for the State of Telangana At Hyderabad. [OUT]
7. One CC to SRI G. MADHUSUDHAN REDDY, SC for GHMC [OPUC]
8. One CC to Ms. VAKA SRIHITHA, Advocate [OPUC]
9. One CC to SRI SIRGAPOOR SAHIL REDDY, Advocate [OPUC]
10. Two CD Copies

DAN *VS*

TKS

HIGH COURT

DATED:18/03/2026



COMMON JUDGMENT

**I.A No.1 of 2026 IN /AND W. A NO: 329 OF 2026
AND
I.A No.1 of 2026 IN /AND W.A NO: 330 OF 2026**

**DISPOSING OF THE WRIT APPEALS
WITHOUT COSTS**

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