

[3488]

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

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
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: 460 OF 2026

Writ Appeal under clause 15 of the Letters Patent to entertain the Writ Appeal against the proceeding sheet order dt. 07.04.2026 posting W.P.No.10185 of 2026 to 08.06.2026. on the file of the High Court.

Between:

1. M/s. Girnar Developers, A registered partnership firm, Having its office at Shop No.235, 2nd floor, Door No.15-1-92/1 to 17, 15-1-52/A, 15-1-52/1 to 6, Mahaveer Plaza, Feelkhana, Hyderabad, represented by its Partners. Praveen Kumar Jain, S/o. Mangilal Jain, aged about 51 years, Occupation. Business, R/o. 5-3-966, Flat No.301, Parshwa Padmavathi Complex, Shankar Bagh, Hyderabad.
2. Jayantilal, S/o. Velchand, aged about 65 years, Occupation. Business, R/o. H.No.5-3-1054, Osmangunj, Hyderabad.
3. Dinesh Mutha, S/o. Kishore Chand Mutha, aged about 58 years, Occupation. Business, R/o. H.No.5-3-983, F-302, Surabhi Samat Apartments, Shankar Bagh, Hyderabad.
4. Bharat Bhojani, S/o. Doulat Raj Bhojani, aged about 36 years, Occupation. Business, R/o. H.No.15-1-478/N/5, Feelkhana, Hyderabad.

...APPELLANTS

AND

1. The State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad
2. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Tank Bund, Hyderabad.

3. The Greater Hyderabad Municipal Corporation, rep. by its Zonal Commissioner, Circle No.35, Khairatabad Zone, Hyderabad.
4. The Greater Hyderabad Municipal Corporation, rep. by its Deputy Commissioner, Circle No.35, Khairatabad, Hyderabad.

...RESPONDENTS

I.A. NO: 2 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 the respondent-corporation not to take any coercive action for olition of the building complex situated in premises no. 3-5-142/10, et No.2, Eden Garden Road, King Koti, Hyderabad, pending disposal the Writ Appeal.

I.A. 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 direct the respondent-corporation forthwith to unseal the building complex situated in premises no. 3-5-142/10, Street No.2, Eden Garden Road, King Koti, Hyderabad, pending disposal of the Writ Appeal.

**Counsel for the Appellant : SRI VEDULA VENKATARAMANA, Senior Counsel,
rep., M/S BHARADWAJ ASSOCIATES**

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

Counsel for Respondents No.2TO4 : SRI M.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.460 of 2026

DATED: 21.04.2026

Between:

M/s. Girnar Developers, A registered partnership firm,
Having its office at Shop No.235, 2nd floor,
Door No.15-1-92/1 to 17, 15-1-52/A, 15-1-52/1 to 6,
Mahaveer Plaza, Feelkhana, Hyderabad,
represented by its Partners

... Appellant

AND

The State of Telangana, represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Secretariat, Hyderabad & 3 others

... Respondents

JUDGMENT:

Heard Mr. Vedula Venkataramana, learned Senior Counsel representing
M/s. Bharadwaj Associates, appearing for the appellant/writ petitioner and
Ms. Yenuka Nishitha Manvi, learned counsel representing Mr. Midde Arun
Kumar, learned Standing Counsel for Greater Hyderabad Municipal Corporation
(GHMC), appearing for respondent Nos.2 to 4.

2. The present writ appeal arises from an order dated 07.04.2026 passed in a pending Writ Petition No.10185 of 2026 which reads as under:

“Learned Government Pleader for Municipal Administration & Urban Development takes notice on behalf of respondent No.1.

Mr. K.Ravi Mahender, learned Standing Counsel for GHMC takes notice on behalf of respondent Nos.2 to 4.

At request of learned counsel appearing for respondent Nos.2 to 4, for filing counter, post this matter on 08.06.2026.”

3. The appellant/writ petitioner had approached the writ Court with the following prayer:

“For the reasons stated in the accompanying affidavit, the Petitioner herein prays that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 4th Respondent in issuing the impugned Sealing Notice No.142/10/TPS/DC/C35/KZ/GHMC/UC/2026 dated 30-03-2026 and in simultaneously sealing the House Property Bearing GHMC No. 3-5-142/9 (corresponding to Municipal No. 3-5-142 and 3-5-121) and 3-5-142/10, admeasuring 1210 square yards, situated at Eden Garden King Koti Hyderabad, on the same day, as ex facie illegal, arbitrary, violative of the principles of natural justice and Articles 14 and 21 of the Constitution of India, and contrary to the provisions of the GHMC Act, 1955, is liable to be declared as unsustainable and liable to be set aside by this Hon’ble Court and pass such other order or orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

4. Writ Petitioner had also preferred an interlocutory application i.e., I.A.No.1 of 2026 with prayer for unsealing of the entire premises of the writ petitioner pursuant to the sealing which took place *vide* notice dated 30.03.2026.

5. Learned Senior Counsel appearing for the appellant submits that the Corporation has initiated proceedings under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (hereinafter referred to as

'the GHMC Act') *vide* show cause notice dated 20.01.2026 to which the writ petitioner replied on 11.02.2026 also bringing to its notice that an interim order has been passed by the learned IV Junior Civil Judge, City Civil Court, Hyderabad in O.S.No.659 of 2024 along with I.A.No.400 of 2024 seeking injunction against the GHMC. Writ petitioner is the owner of the house property bearing GHMC Nos.3-5-142/9 and 3-5-142/10, measuring 1210 square yards, situated at Eden Garden, King Koti, Hyderabad. It requested to drop the further proceedings. However, thereafter a speaking order was passed on 05.03.2026 holding that there is no legal impediment to take action on the construction of building "unauthorised construction of Cellar + Stilt + 6 upper floors + pent house in premises bearing H.No.3-5-142/10, Street No.2, Eden Garden Road, King Koti, Ram Koti, Hyderabad", as they are in violation of the building permit order. Therefore, writ petitioner was directed to demolish the construction within 15 days from the receipt of notice, failing which further action would be taken up under Sections 636 and 461-A of the GHMC Act and expenses thereon will be recovered from it. It is submitted that the writ petitioner approached the writ Court after issuance of the demolition order dated 05.03.2026 and the sealing notice dated 30.03.2026. Though the matter was taken up on 07.04.2026 but the learned writ Court did not pass any order on the interlocutory application seeking suspension of the impugned Sealing Notice dated 30.03.2026.

6. Learned Senior Counsel for the appellant has *inter alia* also urged other grounds on merits questioning the impugned order. However, since the learned writ Court did not pass any order on the interlocutory application, it has been compelled to approach this Court in appeal as on account of the sealing of the entire premises, the residents are unable to access or exit the same premises. Therefore, there is an urgency in the matter.

7. Learned counsel for the GHMC submits that on 07.04.2026, time has been allowed to the respondents to file counter affidavit and the matter has been posted on 08.06.2026.

8. Upon hearing learned Senior Counsel for the appellant and the learned counsel for the contesting respondents-GHMC and the facts and circumstances noted above, since the impugned proceedings relate to sealing of the subject premises pursuant to an order for demolition dated 05.03.2026 passed by the respondent Corporation and that sealing of the premises has also been made pursuant to the notice dated 30.03.2026, the interim prayer made by the writ petitioner was required to be considered by the learned writ Court. In such circumstances, this appeal has been entertained. However, since the writ petition is pending and the prayer for interim relief has yet not been taken up by the learned writ Court, this Court refrains from making any comments on the merits of the case of the parties. Therefore, we are inclined to request the learned writ Court to take up the interlocutory application filed by the writ

petitioner seeking suspension of the impugned sealing notice dated 30.03.2026 on an urgent basis. Let the writ petition be posted on I.A.No.1 of 2026 before the learned writ Court on 24.04.2026. Till the next date before the writ Court i.e., 24.04.2026, the respondent Corporation would refrain from giving effect to the order of demolition dated 05.03.2026.

9. The instant Writ Appeal stands disposed of accordingly. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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SD/-MOHD.ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Telangana State, Hyderabad
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Circle No.35, Khairatabad Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.35, Khairatabad, Hyderabad.
5. One CC to M/S BHARADWAJ ASSOCIATES, Advocate. [OPUC]
6. Two CCs to GP FOR MCPL ADMN URBAN DEV High Court for the State of Telangana, at Hyderabad [OUT]
7. One CC to SRI M.ARUN KUMAR, SC FOR GHMC. [OPUC]
8. Two CD Copies.

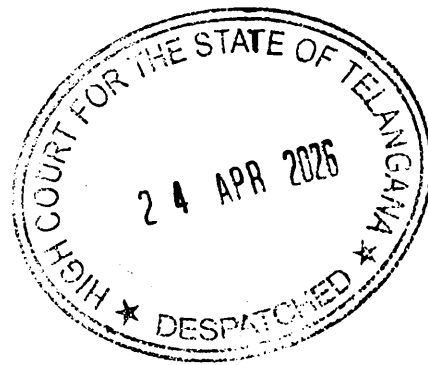
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HIGH COURT

DATED: 21/04/2026

LIST ON 24/04/2026



JUDGMENT

WA.No.460 of 2026

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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