

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

**MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

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

WRIT APPEAL NO: 200 OF 2026

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated. 03/12/2025 in the W. P. No. 37123 of 2025 on the file of the High Court.

Between:

Fatima Begum, W/o. Late Dastagir Pasha, aged about 59 years, Occupation. Housewife, R/o. H.No.21-4-207/4, Gulab Singh Bowli, Hussaini Alam, Hyderabad, Telangana.

...APPELLANT/THIRD PARTY

AND

1. Mohammed Basheer, S/o. Late Mohammed Yousuf, aged about 40 years, Occupation. Business, R/o. H.No.19-1- 1052/5, Bandlaguda, Osman Bagh, Hyderabad.
2. State of Telangana, rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
3. Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad, Rep. by its Commissioner.
4. Deputy Commissioner, GHMC, Circle No.9, Charminar, Hyderabad.
5. Assistant City Planner, GHMC, Circle No.9, Charminar, Hyderabad.
6. Executive Engineer, Circle No.9, Charminar Zone, GHMC, Hyderabad.
7. Deputy Commissioner of Police, South Zone, Hyderabad.
8. Assistant Commissioner of Police, Charminar Division, Hyderabad.
9. Station House Officer, Hussainialam Police Station, Hyderabad.

...RESPONDENTS

I.A. NO: 4 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 operation and effect of the orders passed in W.P.No.37123 of 2025, dated 03.12.2025, pending disposal of the writ appeal.

**Counsel for the Appellant: SRI VEDULA VENKATARAMANA, SENIOR COUNSEL
FOR M/S BHARADWAJ ASSOCIATES**

**Counsel for the Respondent No.1: SRI A.M.QURESHI, SENIOR COUNSEL FOR
SRI MOHAMMED HABEEBUDDIN**

Counsel for the Respondent No.2: GP FOR MPCL ADMN & URBAN DEV

**Counsel for the Respondent Nos.3 TO 6: SRI RAPARTHI VENKATESH,
SC FOR GHMC**

Counsel for the Respondent Nos.7 TO 9: SRI MAHESH RAJE, GP FOR HOME

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.200 of 2026

DATED: 20.04.2026

Between:

Fatima Begum, W/o. Late Dastagir Pasha

... Appellant/Third Party

AND

Mohammed Basheer, S/o. Late Mohammed Yousuf & 8 others

... Respondents

JUDGMENT:

Heard Mr. Vedula Venkataramana, learned Senior Counsel representing M/s. Bharadwaj Associates, appearing for the appellant, Mr. A.M.Qureshi, learned Senior Counsel representing Mr. Mohammed Habeebuddin, learned counsel, appearing for respondent No.1/writ petitioner, Mr. Raparathi Venkatesh, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent Nos.3 to 6 and Mr. Mahesh Raje, learned Government Pleader for Home appearing for respondent Nos.7 to 9.

2. The appellant came aggrieved on issuance of the impugned direction upon respondent No.9 to consider the representation of respondent No.1/writ petitioner dated 01.08.2025 for extending Police aid for demolition of the

structures in the subject property bearing Municipal Nos.21-4-207/1, 21-4-207/2, 21-4-207/3, situated at Gulab Singh Bowli, Hussaini Alam, Hyderabad, pursuant to the notice dated 30.10.2025 issued by respondent No.4 within a period of three days from the date of receipt of the copy of the order without impleading the appellant who claims to have a subsisting title on the subject property and that a suit was also instituted for partition, separate possession and declaration of registered Sale Deeds dated 29.07.2025 and 23.09.2025 as null and void and for perpetual injunction.

3. After hearing learned counsel for the parties, the order dated 07.04.2026 extracted hereunder was passed.

"Sri Vedula Venkata Ramana, learned Senior Counsel represents M/s. Bharadwaj Associates, learned counsel for appellant.

Sri A.M. Qureshi, learned Senior Counsel represents Sri Mohammed Habeebuddin, learned counsel for respondent No.1/writ petitioner.

Sri G. Bhaskar, learned Government Pleader for Municipal Administration appears for respondent No.2.

Sri Raparathi Venkatesh, learned Standing Counsel for Greater Hyderabad Municipal Corporation appears for respondent Nos.3 to 6.

Sri Mahesh Raje, learned Government Pleader for Home appears for respondent Nos.7 to 9.

Reference is made to the order dated 17.02.2026. After the matter was once again adjourned on 25.03.2026, a counter-affidavit has been filed by the respondent Corporation making the following statement at para 8.

"8. It is further submitted that thereafter, as an abundant precaution and in order to obtain an expert opinion regarding the structural safety of the buildings, the respondent Corporation officials addressed a letter dated 06.02.2026 to the Executive Engineer of the respondent Corporation, seeking submission of a structural stability report in respect of the structures existing in the subject property. Further, the respondent Corporation has also addressed a communication to the Chief Coordinator, Institute of Construction Sciences (ICS), JNTUH College of Engineering, seeking technical clarification and expert recommendations regarding the structural stability of the said structures. The respondent Corporation is presently awaiting the expert report, and further action will be taken strictly in accordance with law based on the findings and recommendations contained therein."

The counter-affidavit also refers to the notice issued on 30.10.2025 under Section 459 of Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), upon the owner/occupier/tenant of the said dilapidated structure to vacate the house immediately and repair/remove the dilapidated structure of the said premises within seven days failing which he would be held responsible for any sort of danger/incident and any other problem created due to the said dilapidated structure.

Section 459 of the Act is preceded by Section 456 of the Act which provides that if at any time it appears to the Commissioner that any building, wall, floor etc., is in ruinous condition or likely to fall or anyway dangerous to any person occupying, resorting to or passing by, such structure or any other structure or place in the neighbourhood thereof, he shall by written notice require the owner or occupier of such structure to do one or more of the following things, (i) to pull down, (ii) to secure, (iii) to remove, or (iv) to repair such structure or thing and to prevent all cause of danger therefrom. The procedure has been prescribed to deal with such structures which are in ruinous conditions also by inviting objections from the owner or occupier as the case may be under Section 459 of the Act.

In the present case, the Deputy Commissioner, Circle No.9, Charminar, CHZ, Hyderabad, without being satisfied with the pre-condition that the structure was in ruinous condition, issued the notice dated 30.10.2025 under Section 459 of the Act which became the basis for respondent No.1/writ petitioner to approach the Court with a prayer to provide police protection to the respondent Corporation to demolish his house bearing Nos.21-4-207/1, 21-4-207/2, 21-4-207/3 situated at Gulab Singh Bowli, Hussaini Alam, Hyderabad.

The appellant claims to have a title on the subject property and has also instituted O.S.No.130 of 2026 for partition, separate possession and to declare registered sale deed dated 29.07.2025 and document No.1788 of 2025 dated 23.09.2025 as null and void and for perpetual injunction.

The appellant has contended that the title of petitioner over the subject property is disputed. However, the respondent Corporation without being satisfied with the structural strength of the subject property by obtaining an expert opinion, issued the notice dated 30.10.2025 under Section 459 of the Act.

Learned counsel for the respondent Corporation is allowed short time to obtain instructions on whether the respondent Corporation is inclined to withdraw the notice dated 30.10.2025.

Let the matter appear on 15.04.2026.

Interim order granted earlier to continue in the meantime."

4. Thereafter, respondent No.4 has filed an additional counter affidavit.
5. Learned Standing Counsel for GHMC appearing for respondent Nos.3 to 6 submits that the notice dated 30.10.2025 issued under Section 459 of the Greater Hyderabad Municipal Corporation Act, 1955 (hereinafter referred to as

'the GHMC Act') has been withdrawn to facilitate a fair, transparent and legally compliant procedure before taking any coercive steps. The respondent Corporation being a statutory authority is bound to act strictly in accordance with law. Any further action in respect of the subject property will be taken only after receipt of the expert report and strictly as per the provisions of the GHMC Act and the applicable Rules. They also submit that due process of law and principles of natural justice will be strictly followed and no arbitrary action will be taken.

6. In the light of the above development that the notice dated 30.10.2025 based on which the writ petition was preferred for seeking police protection to demolish the writ petitioner's house does not survive. The impugned direction passed by the learned writ Court has to be also set aside.

7. Accordingly, the Writ Appeal is allowed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

SD/- B. SATYAVATHI
JOINT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad
3. Deputy Commissioner, GHMC, Circle No.9, Charminar, Hyderabad.
4. Assistant City Planner, GHMC, Circle No.9, Charminar, Hyderabad.
5. Executive Engineer, Circle No.9, Charminar Zone, GHMC, Hyderabad.
6. Deputy Commissioner of Police, South Zone, Hyderabad.
7. Assistant Commissioner of Police, Charminar Division, Hyderabad.
8. Station House Officer, Hussainialam Police Station, Hyderabad.
9. One CC to M/s BHARADWAJ ASSOCIATES, Advocate [OPUC]

10. One CC to SRI MOHAMMED HABEEBUDDIN, Advocate [OPUC]
11. One CC to SRI RAPARTHI VENKATESH, SC FOR GHMC [OPUC]
12. Two CCs to GP FOR MPCL ADMN & URBAN DEV, High Court for the State of
Telangana, at Hyderabad. [OUT]
13. Two CCs to GP FOR HOME, High Court for the State of Telangana, at
Hyderabad. [OUT]
14. Two CD Copies

PSK.

GJP

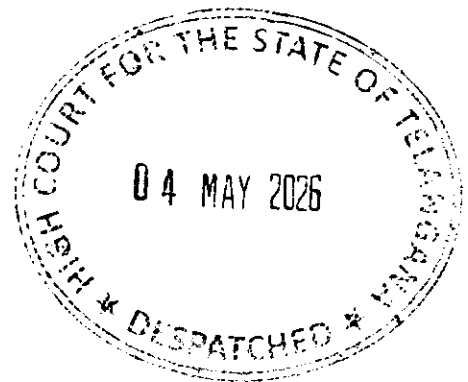


HIGH COURT

DATED: 20/04/2026

JUDGMENT

WA.No.200 of 2026



**ALLOWING THE WRIT APPEAL
WITHOUT COSTS**

(18) NT
2/5/26.