

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

**MONDAY, THE TWENTY FOURTH DAY OF AUGUST
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: 669 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Against the Order dated 09.06.2026 in WP No 30236 of 2026 on the file of the High Court.

Between:

M/s RPM Infra, O and M Contractor, F No C-2 6-3-883/A/10 Padmavathi
Place Somajiguda Hyderabad – 500018

...Appellant/Respondent No.6

AND

1. Sri Kongara Saida Rao, S/o Apparao Aged about 36 years Occ Business R/o HNo 1-61/2 Madhapuram Village Mudigonda Mandal Khammam District - 507170
2. Smt Kongara Rajyaiakshmi, W/o Saida Rao Aged about 43 years Occ Business R/o H.No 1-61/2 Madhapuram Village Mudigonda Mandal Khammam District - 507170.
3. Ms. Kongara Nandini, D/o Saida Rao Aged about 43 years Occ Business R/o H.No 1-61/2 Madhapuram Village Mudigonda Mandal Khammam District - 507170.

...Writ Petitioner's/Respondent No.1-3

4. The Union Of India, Rep by its Principal Secretary Department of Road Transport and Highways Transport Bhavan 1 Parliament Street New Delhi - 110001.

...Respondent No.1/Respondent No.4

5. The National Highways Authority of India, G 56 Sector 10 Dwaraka New Delhi - 110075

...Respondent No.2/Respondent No.5

6. The State of Telangana, Rep by its Principal Secretary Department of Road and Buildings Secretariat Hyderabad – 500022

...Respondent No.3/Respondent No.6

7. M/s GMR Group, O/o New Udaan Bhawan Opp Terminal 3 IGI Airport New Delhi India – 110037

...Respondent No.4/Respondent No.7

8. M/s GMR Hyderabad - Vijayawada Expressways Pvt Ltd, 25/1 skip House Museum Road Bangalore Karnataka – 560025

...Respondent No.5/Respondent No.8

Counsel for the Appellants: SRI SIRGAPOOR SAHIL REDDY

**Counsel for the Respondent No.1 to 3: SRI YERRAGUDLA VIKRANTH REP.
FOR SRI ASHOK KUMAR KOTAGIRI**

**Counsel for the Respondent No.4: SRI N. BHUJANGA RAO,
Deputy Solicitor General of India**

Counsel for the Respondent No.5: SRI MADISHETTY RAMU, SC FOR NHAI

**Counsel for the Respondent No.6: SRI R. POOL SINGH NAIK, ASST. GP FOR
ROADS & BUILDINGS**

Counsel for the Respondent No.7 & 8: Ms. RUBAINA S. KHATOON

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.669 of 2026

DATE: 24 .08.2026

Between:

M/s. RPM Infra

....Appellant

And

Kongara Saida Rao and 7 others

....Respondents

JUDGMENT

Heard Sri Sirgapoor Sahil Reddy, learned counsel appearing for the appellant; Sri Yerragudla Vikranth, learned counsel appearing for Sri Ashok Kumar Kotagiri, learned counsel for respondent Nos.1 to 3; Sri N.Bhujanga Rao, learned Deputy Solicitor General of India appearing for respondent No.4; Sri Madishetty Ramu, learned Standing Counsel for National Highways Authority of India (NHAI), appearing for respondent No.5; Sri R.Pool Singh Naik, learned Assistant Government Pleader for Roads and Buildings Department appearing for respondent No.6; Sri Srithija Reddy, learned counsel representing Ms. Rubaina S. Khatoon, learned counsel for respondent Nos.7 and 8 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 09.06.2026 passed by the learned

Single Judge in W.P.No.30236 of 2025. By the said order, the learned Single Judge, disposed of the writ petition by granting liberty to the writ petitioners (respondent Nos. 1 to 3 herein) to approach the competent Motor Accidents Claims Tribunal (MACT) and further directed that *'the aspect of limitation shall not come in the way of adjudicating the claim by the Tribunal'*.

Factual matrix

3. On 12.02.2022, the writ petitioners/respondent Nos.1 to 3 were travelling from Hyderabad to Khammam in a Nissan Terrano vehicle bearing Registration No.TS-07-GJ-1455. The 1st petitioner was driving the said vehicle. At about 3:50 p.m., near Pedda Kaparathi Village on NH-65, the vehicle collided with the stationary water tanker bearing Registration No. AP-12-V-6655, which was stationed near the centre median while watering of the median plantation was being undertaken.

4. The writ petitioners alleged that the tanker had been parked negligently without adequate cautionary measures or warning signs and attributed negligence to the respondents in the maintenance and safety management of the highway. They claimed injuries and sought compensation of Rs.50,00,000/-. These allegations were specifically disputed by the respondents, who contended that requisite safety precautions had been adopted and that the accident

was attributable, *inter alia*, to the negligent driving of the 1st petitioner.

5. The writ petitioners issued a legal notice dated 14.06.2022 seeking compensation of Rs.50,00,000/-. GMR Hyderabad-Vijayawada Expressways Pvt. Ltd., by reply dated 20.06.2022, stated that the water tanker bearing Registration No.AP-12-V-6655 belonged to M/s. RPM Infra and was not owned by GMR and advised the petitioners to address their claim to M/s. RPM Infra. Thereafter, no claim petition before the MACT or other adjudicatory proceeding was instituted by the writ petitioners, and the writ petition came to be filed only in September 2025, more than 3½ years after the accident. The appellant specifically raised the issue of unexplained delay and laches.

6. The appellant, M/s. RPM Infra, filed its counter-affidavit raising, *inter alia*, objections regarding the maintainability of the writ petition under Article 226 of the Constitution; in view of the disputed questions of fact concerning negligence, contributory negligence, liability and quantum; delay and laches; the petitioners' alleged suppression/misstatement concerning ownership of the vehicle; the absence of an FIR or police investigation; and the availability of the statutory remedy before the MACT.

7. The learned Single Judge held that the rival pleadings disclosed serious disputes concerning negligence, contributory

negligence, safety precautions, the manner in which the tanker was stationed and operated, the *inter se* liability of the concerned respondents and the quantum of compensation, which required appreciation of oral and documentary evidence and could not be adjudicated under Article 226 of the Constitution. The learned Single Judge accordingly held that the proper remedy was before the competent MACT. Nevertheless, in view of the injuries pleaded and the beneficial nature of the Motor Vehicles Act, 1988 (for short 'MV Act'), the Court permitted the petitioners to approach the Tribunal within one month from the date of receipt of a copy of the order and directed that limitation should not come in the way of adjudication of the claim, and also held that all questions, including negligence, contributory negligence, liability and quantum, were left open for determination by the Tribunal

8. Aggrieved thereby, the appellant has preferred the present Writ Appeal.

Submissions on behalf of the appellant

9. Learned counsel for the appellant, assailed the impugned order and has advanced the following submissions:

- i) That the learned Single Judge erred in granting relief after holding that the writ petition was not maintainable. The claim is essentially for damages arising out of a motor vehicle

accident and involves disputed questions of fact including negligence, liability and compensation. That such a claim is required to be adjudicated by the competent MACT and does not warrant exercise of jurisdiction under Article 226 of the Constitution.

- ii) That the alleged accident occurred on 12.02.2022 and the legal notice was issued in June 2022. Thereafter, the petitioners did not take any steps before the competent Tribunal and approached this Court only in September 2025, without explaining the delay of more than three years. That the learned Single Judge ought to have dismissed the writ petition on the ground of delay and laches.
- iii) That though writ petitioners claimed purchase of the vehicle for Rs.10,00,000/-. However, the documents relied upon by them, particularly Exs.P4 and P5, show one Rao Sasikant as the registered owner of the vehicle, and that he was not impleaded as a party. This material discrepancy was specifically raised by the appellant.
- iv) That no FIR was lodged in respect of the accident and there was no police investigation or charge sheet attributing negligence to the appellant or any other respondent. The allegations of negligence therefore remain disputed and require evidence before the competent forum.

- v) That the claim involves disputed questions regarding the manner of the accident, negligence, contributory negligence, the manner in which the tanker was stationed, safety measures and the quantum of compensation. These issues require evidence and cannot be properly adjudicated in proceedings under Article 226 of the Constitution.
- vi) That the writ petitioners have claimed Rs.50,00,000/- without producing any material much less sufficient material to support the claim. Medical bills and receipts have not been produced, and medical records were placed on record only in respect of petitioner No.3. The petitioners have also not produced documents establishing their lawful ownership of the vehicle.
- vii) Having held that the writ petition was not maintainable, the learned Single Judge ought not to have directed that limitation shall not come in the way of the claim before the Tribunal. The question of limitation ought to have been left open for determination by the competent Tribunal in accordance with law. This is particularly relevant since the accident occurred on 12.02.2022, whereas the amendment to Section 166 of the MV Act came into force on 01.04.2022.
- viii) In support of its case, the appellant placed reliance on the following decisions:

- a. *State of Jammu and Kashmir v. R.K. Zalpuri*¹- It is contended that unexplained delay and laches are relevant considerations for refusing relief under Article 226.
- b. *Shankara Co-operative Housing Society Ltd. v. M. Prabhakar*²- It is contended that inordinate and unexplained delay is a valid ground for declining to exercise discretionary writ jurisdiction.
- c. *Amar Singh v. Union of India*³- It is contended that a litigant who suppresses material facts or approaches the Court with unclean hands is not entitled to discretionary relief.
- d. *State of Orissa v. Madan Gopal Rungta*⁴- at Paragraph 15

Submissions on behalf of the respondents

10. Learned counsel appearing for respondent Nos.1 to 3; learned Standing Counsel for NHAI appearing for respondent No.5; and learned Assistant Government Pleader for Roads and Building Department appearing for respondent No.6 have advanced the following submissions:

- i) Respondents Nos.1 to 3 contended that the water tanker was stationed on the highway without adequate safety measures or warning signs and that the accident occurred due to negligence on the part of the persons responsible for the maintenance of the highway. Respondents Nos.1 to 3 claimed that they sustained serious injuries and sought compensation of Rs.50,00,000/-. The legal notice dated 14.06.2022 was issued

¹(2015) 15 SCC 602

²(2011) 5 SCC 607

³(2011) 7 SCC 69

⁴1951 SCC 1024

alleging negligence in the maintenance of the highway and claiming compensation.

- ii) That the claim ought to be adjudicated on merits and that the beneficial nature of the MV Act justified permitting them to approach the competent Tribunal.
- iii) Respondent No.5 denied any negligence in the maintenance or operation of the highway and contended that the water tanker bearing Registration No. AP 12 V 6655 was not owned by it. It stated that the tanker belonged to and was operated by respondent No.6 and that the petitioners were advised to approach respondent No.6.
- iv) Respondent No.6 contended that the writ petition was not maintainable under Article 226 of the Constitution as it involved disputed questions of fact relating to negligence, contributory negligence, liability and compensation, and that the petitioners had an alternative remedy before the competent Tribunal.
- v) Respondent No.6 contended that the petitioners had approached the Court with unclean hands by claiming that they had purchased the vehicle for Rs.10,00,000/-, whereas the tax invoice and registration records allegedly showed one Rao Sasikanth as the owner. It was further contended that

respondent No.1 had not disclosed under what authority he was driving the vehicle nor produced his driving licence.

- vi) That the tanker was engaged in watering plants on the central median while following the prescribed safety precautions and that the accident occurred due to the rash and negligent driving of respondent No.1.
- vii) Respondent No.6 further contended that the petitioners had not produced medical bills, treatment receipts, medical records relating to respondents Nos.1 and 2, or documents establishing ownership or purchase of the vehicle.

11. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

12. In the present case, the learned Single Judge held that the disputed issues arising from the motor vehicle accident could not be adjudicated in proceedings under Article 226 of the Constitution. The learned Single Judge noted that the claim involved disputed questions relating to negligence, contributory negligence, liability and quantum of compensation, which required appreciation of evidence. The Court accordingly held that the proper remedy was before the competent MACT. This Court is in agreement with the learned Single Judge on this aspect. The underlying writ petition essentially sought

compensation arising out of a motor vehicle accident and involved disputed questions of fact. The MV Act provides a statutory remedy before the competent Tribunal for adjudication of such claims. Therefore, the matter ought to have been pursued before the Tribunal rather than under Article 226 of the Constitution. However, the learned Single Judge, having arrived at the above conclusion, erred in directing that limitation shall not come in the way of the petitioners before the Tribunal, for the following reasons:

- i) Once the learned Single Judge declined to adjudicate the compensation claim under Article 226 of the Constitution and relegated the petitioners to the Tribunal, the question whether the claim was within limitation ought to have been left open for consideration by the competent Tribunal. The direction that limitation shall not come in the way effectively removes a defence which the appellant is otherwise entitled to raise before the Tribunal.
- ii) The appellant relied upon the principle laid down by the Hon'ble Supreme Court in **Madan Gopal Rungta** (supra 4) that where the High Court does not adjudicate the substantive rights of the parties and directs the parties to pursue their remedy before the appropriate forum, it cannot grant relief merely to facilitate such subsequent proceedings. The same principle applies here. Having relegated the petitioners to the

Tribunal, the learned Single Judge ought not to have granted a direction which effectively pre-determines the issue of limitation in their favour.

- iii) The question of limitation is a matter to be considered by the competent Tribunal in accordance with the applicable statutory provisions and the law. The writ Court ought not to have directed, in advance, that limitation shall not come in the way of the claim, particularly when the writ petition itself was not being adjudicated on merits.

13. It is well settled law that a litigant, who approaches the Court with unclean hands and suppresses material facts, is not entitled to discretionary relief.

14. In the present case, respondent Nos.1 to 3/writ petitioners claimed that they had purchased the vehicle for Rs.10,00,000/-. However, the tax invoice and registration documents relied upon by them were pointed out by the appellant as showing Rao Sasikant as the registered owner of the vehicle, although he was not impleaded as a party. The respondent Nos.1 to 3/writ petitioners have not produced any document establishing their purchase of the vehicle from the registered owner or otherwise establishing their lawful ownership. The appellant also specifically contended that respondent No.1 had not produced his driving licence or disclosed the authority under which he was driving the vehicle.

15. The said circumstances raise a material discrepancy regarding respondent Nos.1 to 3's ownership and their case concerning the vehicle. The respondent Nos.1 to 3 were required to make a full and candid disclosure of these facts before invoking the discretionary jurisdiction of this Court. Their failure to do so is a relevant circumstance against grant of discretionary relief.

16. Further, it is not in dispute that no FIR was registered in connection with the motor vehicle accident dated 12.02.2022 and that there was no police investigation or charge sheet attributing negligence to the appellant or any other respondent. The absence of any FIR, police investigation or charge sheet is relevant because there is no contemporaneous material supporting the allegations of negligence made by respondent Nos.1 to 3. The manner in which the accident occurred, the alleged negligence of the parties, the safety measures adopted at the site and the issue of contributory negligence therefore remain disputed questions requiring evidence. Therefore, the appellant submitted that the claim could not be adjudicated merely on the basis of the averments made by respondent Nos.1 to 3 in their affidavits, as these disputed factual issues are more appropriately considered by the competent MACT after allowing the parties to lead appropriate evidence.

17. Moreover, respondents Nos.1 to 3 have claimed Rs.50,00,000/- towards compensation. However, the appellant has pointed out that

sufficient material has not been placed on record to substantiate the claim. In particular, medical records have been produced only in respect of respondent No.3, while medical records and bills relating to respondents Nos.1 and 2 have not been produced. The respondents Nos.1 to 3 have also not produced documents establishing their purchase or lawful ownership of the vehicle and respondent No.1 has not produced his driving licence.

18. It is also to be noted that the respondents, including the appellant, would be prejudiced if the direction of the learned Single Judge is allowed to stand, as they would be required to defend a claim before the Tribunal despite the serious objections raised regarding limitation, suppression of material facts, absence of police investigation, disputed questions of fact and the lack of supporting documentary material.

19. In particular, the appellant has raised a specific objection regarding limitation, while the respondent Nos.1 to 3's ownership of the vehicle and other material facts had also been disputed. Thus, the direction that limitation shall not come in the way of respondent Nos.1 to 3's claim would deprive the appellant of an important defence before the competent Tribunal and would cause prejudice to the appellant.

Conclusion

20. For the foregoing reasons, this Court is of the considered view that the learned Single Judge rightly held that the writ petition was not maintainable under Article 226 of the Constitution. However, having so held, the learned Single Judge erred in directing that limitation shall not come in the way of respondent Nos.1 to 3/writ petitioners before the Tribunal. The questions of limitation, negligence, liability, quantum and other objections raised by the appellant ought to have been left open for determination by the competent Tribunal in accordance with law.

21. Accordingly, the Writ Appeal is allowed. The order dated 09.06.2026 passed by the learned Single Judge in W.P.No.30236 of 2025 is set aside, to the extent it grants liberty to the writ petitioners to approach the Tribunal and directs that limitation shall not come in the way of adjudication.

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

**SD/- K.SAILESHI
JOINT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The National Highways Authority of India, G 5 & Sector 10 Dwaraka New Delhi - 110075
2. The Principal Secretary The State of Telangana, Department of Road and Buildings Secretariat Hyderabad - 500022
3. M/s GMR Group, O/o New Udaan Bhawan Opp Terminal 3 IGI Airport New Delhi India - 110037
4. M/s GMR Hyderabad - Vijayawada Expressways Pvt Ltd, 25/1 skip House Museum Road Bangalore Karnataka - 560025
5. The Principal Secretary, The Union Of India, Department of Road Transport and Highways Transport Bhavan 1 Parliament Street New Delhi - 110001.

6. One CC to SRI SIRGAPOOR SAHIL REDDY, Advocate [OPUC]
7. One CC to SRI N. BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
8. One CC to SRI MADISHETTY RAMU, SC FOR NHAI [OPUC]
9. One CC to Ms. RUBAINA S. KHATOON, Advocate [OPUC]
10. One CC to SRI ASHOK KUMAR KOTAGIRI, Advocate [OPUC]
11. Two CCs to GP FOR ROADS & BUILDINGS, High Court for the State of Telangana. [OUT]
12. Two CD Copies

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TKS

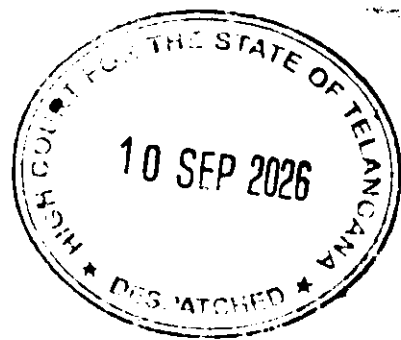
Ygrs

HIGH COURT

DATED: 24/08/2026

JUDGMENT

WA.No.669 of 2026



ALLOWING THE WRIT APPEAL
WITHOUT COSTS

(15)

kpr
8/9/26