

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: W.A. No.200 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
05.	07.04.2026	<u>HCJ (AKrS, J) & GMM, J</u> 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	Transferred to i/o folder before corrections, if any.

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		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	

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		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,	

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		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	

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		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. <u>HCJ(AKrS, J)</u> <u>GMM, J</u> <i>kvni</i>	