

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.11421 of 2026.

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	21.04.2026	<u>EVV,J</u> <u>I.A.No.2 of 2026</u> I.A. No. 2 of 2026 has been filed by the Brindavan Colony Plot Owners Welfare Association, seeking to implead themselves as party respondent in W.P. No. 11421 of 2026. Learned counsel for the petitioner in I.A. No. 2 of 2026 vehemently contended that the petitioner herein is a necessary party to this writ petition, as the writ petitioner is claiming occupancy certificate in respect of the property which is also being claimed by the petitioner herein, and admittedly, civil court proceedings are pending in respect of the said property. Therefore, granting any relief sought by the writ petitioner would affect the rights of the implead petitioner. He further relied upon a communication addressed by the Tahsildar, Gandipet Mandal, to the District Collector, Ranga Reddy District, vide Letter No. B/228/2023, dated 30.06.2023, wherein it was reported that Mr. Koneru Nageswara Rao and M/s.	Transferred to I/O folder before correction.

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		Udaya SSV Projects, represented by its partner Sri M. Rajasekhar, had committed serious irregularities, and as such, the succession granted in favour of the legal representatives of late Sri K. Sriramulu is liable to be cancelled, and the individuals involved in the illegal activity are liable for punishment under the relevant Acts and provisions of the Indian Penal Code. He would further submit that the writ petitioner is the successor of Udaya SSV Projects, and therefore, the said communication is also applicable to the writ petitioner. Stating so, he would seek to allow this I.A.No.2 of 2026. By filing counter in I.A.No.2 of 2026, Mr. Dammalapati Srinivas, learned Senior Counsel, representing the learned counsel for the writ petitioner on record, submits that the implead petitioner herein is not a necessary party to the writ petition, as no relief has been sought against the implead petitioner. He further submits that the writ petitioner is admittedly the successor of Sri K. Nageswara Rao, and that one Mr. M. Rajasekhar, through valid documents, is stated to have obtained permission from respondent No.4. He would further submit that the implead petitioner's association is claiming its right to be impleaded through one Mr. M. Lalitha Ravi Krishna, who is the plaintiff in I.A. No. 1016 of 2021 in O.S. No.	

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		441 of 2021, dated 30.03.2022, on the file of the I Additional Junior Civil Judge-cum-XV Additional Metropolitan Magistrate, Cyberabad at Rajendranagar, which was dismissed. Aggrieved by the same, C.M.A. No. 16 of 2023 has been filed on the file of the X Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar. Stating so, he submits that the petitioner's association herein has no locus standi to be impleaded in this writ petition and accordingly, would seek to dismiss this I.A. <u>I.A.No.3 of 2026</u> I.A. No. 3 of 2026 has been filed by Smt. Seshamma, seeking to implead herself as party respondent in W.P. No. 11421 of 2026.” Learned counsel for the petitioner in I.A. No. 3 of 2026 submits that the petitioner herein is the original claimant of the property and has obtained building permission from respondent No.5 herein. He further submits that civil court proceedings are pending in O.S. No. 441 of 2021, dated 30.03.2022, on the file of the I Additional Junior Civil Judge - cum - XV Additional Metropolitan Magistrate, Cyberabad at Rajendranagar. Against the dismissal of I.A. No. 1016 of 2021 in O.S. No. 441 of 2021, dated 30.03.2022, C.M.A. No. 16 of 2023 has been filed and the same is pending. As such,	

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		the claim of the petitioner to be impleaded cannot be brushed aside, and any order passed by this Court in this writ petition would affect the rights of the petitioner herein. Hence, would seek to allow I.A.No.3 of 2026. In reply, learned Senior Counsel submits that the set of facts in I.A. Nos. 2 and 3 of 2026 are one and the same, and that in I.A. No. 2 of 2026, the proposed petitioner is seeking impleadment based on the claim of the petitioner in I.A. No. 3 of 2026. He further submits that, in the earlier round of litigation, the predecessor of the writ petitioner made consistent efforts by filing applications before respondent No.5, and in the proceedings in Case No. 030598/ZOA/R1/U6/HMDA/18112019, dated 16.11.2023, a detailed order was passed by respondent No.5 wherein it was reiterated that the petitioner in I.A. No.3 of 2026 had earlier filed W.P. No. 12287 of 2021 before this Court, alleging that the predecessor of the writ petitioner, i.e., M/s. Udaya SSC Projects, was encroaching upon the open space proposed for a park and approach road, which was closed stating that no further orders are required to be passed as the representation of the petitioners' is considered. He further submit that the Mr.K.Nageswara Rao and others have also filed W.P.No.41468 of 2022 and this Court vide its order dated 01.12.2022 in I.A.No.1 of 2022 has	

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		passed following order: “As per the Municipal Commissioner’s report, there is no encroachment of the municipal/government land. Hence, the impugned proceedings directing the petitioners to stop the construction and keeping the technical approval in abeyance until further orders is suspended. However, the petitioners shall submit their explanation to the show cause notice and the respondents are at liberty to go ahead with the inquiry.” Stating so, he would submit that the implead petitioners are making unsuccessful efforts by filing implead petitions claiming the title, knowingly well that Civil Court proceedings are pending and the implead petitioners are filing this sort of implead petitions in order to create litigation thereby affecting the legitimate rights of the writ petitioners herein. Stating so, he would seek to dismiss these implead petitions. Learned Standing Counsel - cum - Special Public Prosecutor appearing for respondent Nos.2 and 3 would submit that they are formal parties to these interlocutory applications. This Court having heard the learned counsel on either side and upon perusing the relief sought in the writ petition, admittedly no relief has been sought against the proposed implead petitioners, accordingly,	

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		no prejudice would be caused to their rights. Hence, this Court is of the opinion that I.A.Nos.2 and 3 does not deserve any consideration. Accordingly, I.A.Nos.2 and 3 stands dismissed. <u>EVV,J</u> <u>W.P.No.11421 of 2026.</u> Notice before admission. Learned Assistant Government Pleader for Home takes notice on behalf of respondent No.1 and waives further notice. Learned Standing Counsel for Anti-Corruption Bureau (ACB) cum Special Public Prosecutor, takes notice on behalf of respondent Nos.2 and 3 and waives further notice. Learned Standing Counsel for Hyderabad Metropolitan Development Authority, takes notice on behalf of respondent No.4 and waives further notice. Since, notice has been issued, learned Senior Counsel appearing online would submit that the predecessors of the petitioner have succeeded in obtaining building permission <i>vide</i> file No.G1/4253/2020, Permit No.B.A.No.23/2020-21 dated 29.12.2020 and subsequent permission <i>vide</i> letter NO.030598/ZOA/R1/U6/HMDA/18112019 dated	

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		11.01.2024. He would submit that petitioner has completed construction and is in occupation of the building and since, constructed the building in accordance with the conditions imposed in the permission granted to the petitioner herein, the petitioner had applied for grant of occupancy certificate <i>vide</i> File No.009213/HMDA/02718/SWOC/SKP1/2025 dated 30.10.2025 before respondent No.4, wherein it has been elicited that subject matter pertaining to the file of the building permission is part of the proceedings on the file of respondent No.3 arising out of Crime No.02/RCA-CIU-ACB/2024 where a crime has been registered against accused officer who is also the accused in one other crime No.06/RCO-CIU-ACB/2024. He would submit that in the above said crimes, certain documents have been seized under Section 165 of Code of Criminal Procedure ('Cr.P.C' for brevity) and in the absence of said documents, the plea of the petitioner seeking occupancy certificate <i>vide</i> application dated 30.10.2025 cannot be considered. Aggrieved thereby, the present writ petition is filed with innocuous prayer seeking direction to official respondents to facilitate respondent No.4 with the documents which have been seized to verify and consider the application made by the petitioner herein seeking occupancy certificate. Else the application	

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		made by the petitioner shall be kept pending for no fault of the petitioner. Learned Standing Counsel-cum-Special Public Prosecutor, ACB, while opposing the same, submits that the petitioner has no right or locus to seek such a prayer in this writ petition, as the seizure of the said documents under Section 165 of the Cr.P.C. in the above-mentioned crimes is under consideration before respondent Nos.2 and 3. Insofar as the request for documents seized under Section 165 of the Cr.P.C. is concerned, he submits that the petitioner ought to have filed an appropriate application before the learned Trial Court under Sections 497 and 503 of the Bharatiya Nagarik Suraksha Sanhita ('BNSS' for brevity), since the documents were seized from the office of respondent No.4. Learned Standing Counsel for respondent Nos.2 and 3 has furnished the written instructions which reads as follows: “ With regard to the Para Nos.32 to 36 of the WP, it is submitted that, the contention of the petitioner is not correct and misconceived. In the circumstances, the investigating agency basing on the necessity of the documents for the purpose of investigation i.e., scrutiny of the documents, analyzing the same, sending the same to FSL for the purpose of comparing the signatures in the files, if required would retain the same. As the documents sought for	

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		are subject matter of ongoing investigation, the Bureau will allow the HMDA officials to approach the Bureau with prior intimation to inspect the records or to take the copies of the relevant documents that are being provided to HMDA to proceed further.” Except that he would submit that petitioner has got no right to seek such direction against respondent No.4 to provide the said documents to the petitioner herein. Learned Standing Counsel for respondent No.4 would submit that, admittedly the petitioner has made an application seeking occupancy certificate <i>vide</i> File No.009213/HMDA/02718/SWOC/SKP1/2025 dated 30.10.2025 and respondent No.4 is handicapped in processing the said application in the absence of the documents which are required to be verified pertaining to granting building permission to the petitioner herein which stated to have seized during the course of investigation in Crime No.02/RCA-CIU-ACB/2024 and 06/RCO-CIU-ACB/2024 under Section 165 of Cr.P.C. by respondent No.3. Accordingly, he would submit that a letter has been addressed to respondent No.3 seeking such documents <i>vide</i> No.009213/HMDA/02718/SWOC/SKP1/2025, dated 03.02.2026 by respondent No.4, which reads as follows:	

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		1. Note file of file No.030598/ZOA/R1/U6/HM DA/18112019. 2. Request to allow cellar excavation work. 3. Change of company name in Survey No.136, Narsingi, Gandipet Mandal. 4. Building permission – Objections – Hearings. 5. Approval of residential building permission. 6. File of 2 additional floors. 7. Photostat copies of drawings of layout/building. He would submit that in the absence of the verification of the said documents, respondent No.4 is not in a position to consider the application made by the petitioner herein seeking occupancy certificate. Stating so, he would submit that if such documents are provided to respondent No.4, same would be considered and appropriate decision would be taken, with regard to the application made by the petitioner, dated 30.10.2025. This Court, having heard the learned Senior counsel for the petitioner, learned Standing counsel for respondent Nos.2 and 3 cum Special Public Prosecutor and learned Standing Counsel for respondent No.4 and upon perusal of the material before this Court, <i>prima facie</i>, is of the opinion that an application has been filed seeking occupancy certificate vide File No.009213/HMDA/02718/SWOC/SKP1/2025, dated	

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		30.10.2025 by the petitioner before respondent No.4 and same is kept pending for want of documents which are stated to have been seized under Section 165 of Cr.P.C as against the investigation in Crime Nos.02/RCA-CIU-ACB/2024 and 06/RCO-CIU-ACB/2024 and the same is in accordance with law. Since, it has been stated by the learned Standing Counsel for ACB based on the written instructions that Bureau will allow the HMDA officials to approach the Bureau with prior intimation to inspect the records or to take copies of the relevant documents that are being provided to respondent No.4 to proceed further, it is in that view of the matter, this Court deems it appropriate to direct respondent No.3 to provide certified copies of the documents seized under Section 165 of Cr.P.C. in relation to the Crime Nos.02/RCA-CIU-ACB/2024 and 06/RCO-CIU-ACB/2024, to respondent No.4, who had admittedly, made such request <i>vide</i> No.009213/HMDA/02718/SWOC/SKP1/2025, dated 03.02.2026 within a period of two (2) weeks from the date of receipt of a copy of this order and permit respondent No.4 to inspect the files, for taking appropriate decision on the application made by the petitioner seeking occupancy certificate and it is made clear that this Court has made no observation on the aspect of criminal investigation pending on the file of	

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		respondent No.3. At the request of learned Standing Counsel for ACB, it is needless to mention that it is open for respondent No.4 to depute an official to obtain such certified copies and to inspect the file and to assist respondent No.3 to furnish the said documents to enable respondent No.4 to consider the application of the petitioner bearing No.009213/HMDA/02718/SWOC /SKP1/2025 dated 30.10.2025, in accordance with law. In respect of other aspects, it requires detailed examination and the facts can only be ascertained upon filing detail counter by official respondents. List on 30.06.2026. <u>EVV,J</u> PSW	

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