

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

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WP NO: 11421 OF 2026

Between:

M/s. SRR Estates LLP, a Limited Liability Partnership firm, having its registered office at Plot No.101, Sri Dheeras Northest Building, Road No.2, Kakatiya Hills, Madhapur, Hyderabad - 500081 represented by its Designated Partner, Mr. Alluri Srinivas, S/o A.Durga Prasad, Aged about 56 years, Occupation. Business, R/o Madhav Nilayam, Plot no 509N, Phase 3, Road no 86, Jubilee Hills, Hyderabad - 500096

.....PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad, Telangana.
2. The Director General, Anti-Corruption Bureau (ACB), Telangana State, Hyderabad.
3. The Inspector of Police, CIU, Anti-Corruption Bureau, O/o Director, ACB, Road No. 12, Banjara Hills, Hyderabad - 500034.
4. Hyderabad Metropolitan Development Authority (HMDA), rep. by its Metropolitan Commissioner, Tarnaka, Hyderabad, Telangana.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more so in the nature of a Writ of Mandamus;

- a) Declaring the inaction of Respondent No. 3 in not returning records seized during the course of investigation, despite request made by Respondent No. 4, as arbitrary, illegal and violative of Articles 14 and 19(1)(g) of the Constitution of India, AND
- b) Consequently direct Respondent No. 3 to furnish the relevant records/documents, or copies thereof, to Respondent No. 4 in relation to Occupancy Certificate application No. 9213/HMDA/02718/SWOC /SKP1/2025 dated 30.10.2025 for the limited purpose of enabling consideration of the Petitioner's application for grant of Occupancy Certificate, in accordance with law.

c) It is further prayed that this Hon'ble Court may be pleased to direct Respondent No. 4 to consider and dispose of the Petitioner's application for Occupancy Certificate within a time frame to be fixed by this Hon'ble Court, upon receipt of the requisite records/documents, or on the basis of available material, in accordance with law.

I.A. NO: 1 OF 2026

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct Respondent No. 3 to only provide documents of relevant records related to Application 9213/HMDA/02718/SWOC/SKP1/2025 dated 30.10.2025 in the file of Respondent No. 4, or in the alternative to the Petitioner, for the limited purpose of consideration of the Occupancy Certificate approval, pending disposal of WP No 11421 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. DAMMALAPATI MANASA Advocate for the Petitioner, AGP FOR HOME for the Respondent no.1, SRI N. BALA MOHAN REDDY, Standing Counsel for ACB CUM SPECIAL PUBLIC PROSECUTOR for the Respondents no. 2 and 3 and SRI V. NARASIMHA GOUD, Standing Counsel for HMDA for the Respondent no.4, the Court made the following.

ORDER:

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 *vide* file No.G1/4253/2020, Permit No.B.A.No.23/2020-21 dated 29.12.2020 and subsequent permission *vide* letter NO.030598/ZOA/R1/U6/HMDA/18112019 dated 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 *vide* 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 *vide* 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 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 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 *vide* 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 *vide* No.009213/HMDA/02718/SWOC/SKP1/2025, dated 03.02.2026 by respondent No.4, which reads as follows:

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, *prima facie*, is of the opinion that an application has been filed seeking occupancy certificate *vide* File No.009213/HMDA/02718/SWOC/SKP1/2025, dated 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 *vide* 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 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.

Sd/- K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat, Hyderabad, State of Telangana.
2. The Director General, Anti-Corruption Bureau (ACB), Telangana State, Hyderabad.
3. The Inspector of Police, CIU, Anti-Corruption Bureau, O/o Director, ACB, Road No. 12, Banjara Hills, Hyderabad - 500034.
4. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority (HMDA), Tarnaka, Hyderabad, Telangana.
(Addressees 1 to 4 BY SPAD)
5. One CC to Ms. DAMMALAPATI MANASA Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
7. One CC to Ms. DAMMALAPATI MANASA, Advocate[OPUC]
8. Two CCs to SPECIAL PUBLIC PROSECUTOR, High Court at Hyderabad.[OUT]
9. One spare copy

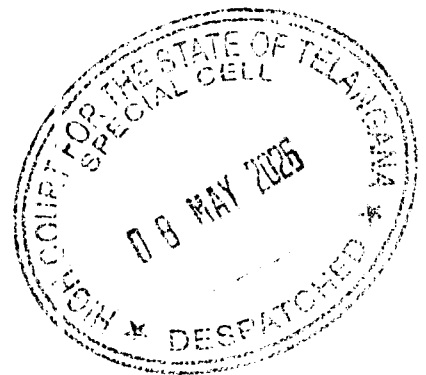
HIGH COURT

EVV, J

DATED: 21-04-2026

LIST ON 30.06.2026.

ORDER



WP.No.11421 of 2026

DIRECTION