

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 24437 OF 2014

Between:

Naveen Choudary, S/ o Mota Ram Choudary, aged about 35 years, Occ: Business,
R/o. Plot No.9, H.No.1-60/30/9/134, Anjaiah Nagar, Gachibowli, Serilingampally(M)
R.R.District, Hyderabad,

...PETITIONER

AND

1. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
2. The Dy. Commissioner, GHMC, Circle-11, Serilingampally, Hyderabad.

...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 a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned notice vide proceedings DC/TPS/W.NO.112/CIR-11/WZ/GHMC Dt. 06-08-2014 under sec. 452(1) and 461(1) of HMC ACT-1955 without enumerating the deviations of the building and the non consideration of the reply dt.11-8-2014 and request for the regularization of the building structures submitted to the said notice is illegal and arbitrary, and contrary to law, and violation of fundamental rights of the petitioner and set aside the same, consequently direct the respondents herein not to interfere with the possession and enjoyment of the petitioner house No. 160/30/9/134 at Anjaiahnagar, including demolition without due process of law.

I.A. NO: 1 OF 2014(WPMP. NO: 30609 OF 2014)

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 direct the respondents herein not to interfere with the peace full possession and enjoyment of the of the petitioner residential Building plot No. 9, H.No.1-60/30/9/134, at Anjaiah Nagar, Gachibowli, Serilingampally Mandal, R.R.District, Hyderabad by way of any demolition pending disposal of the above writ petition.

**Counsel for the Petitioner: SMT. DHANA LAKSHMI, REPRESENTING
SRI N. SAIDA RAO**

Counsel for the Respondents: SRI G. MADHUSUDHAN REDDY, SC FOR GHMC

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WP.No.24437 of 2014

Dated:04.12.2025

Between:

Naveen Choudary

And:

...Petitioner

*The Commissioner,
GHMC, Hyderabad and another.*

ORDER:

...Respondents

This Writ Petition is filed to issue a writ of *Mandamus* declaring the action of respondent No.2 in issuing notice dated 06.08.2014 under Sections 452(1) and 461(1) of the Hyderabad Municipal Corporation Act, 1955 (hereinafter referred to as 'the HMC Act, 1955'), without enumerating the deviations of the building and without considering the reply dated 11.08.2014 submitted by the petitioner, as illegal, arbitrary and violative of fundamental rights and for consequential relief.

2. Heard Smt Dhana Lakshmi, learned counsel representing Sri N.Saida Rao, learned counsel-on-record for the petitioner and

Sri G.Madhusudhan Reddy, learned Standing Counsel for respondents.

3. Learned counsel for petitioner submitted that the petitioner is owner of Plot No.9, H.No.1-60/30/9/134, Anjaiah Nagar, Gachibowli, Serilingampally Mandal, Ranga Reddy District, having purchased the same under registered sale deed No.617/2013, dated 17.01.2013; that petitioner an application for grant of permission for construction and the same was considered and the respondents granted permission for construction of G + two upper floors *vide* Permit No.33847/DOCUMENT/V Z/Cir-11/2014, dated 21.05.2014; that the petitioner constructed one extra floor i.e., third floor in deviation of the sanctioned plan; that respondents issued notice under Sections 452(1) and 461(1) of the HMC Act, 1955, to which the petitioner submitted reply dated 11.08.2014 stating that except construction of third floor, he has not deviated from sanctioned plan and requested to regularize the third floor under Section 455-A of the HMC Act, however, the respondent without considering the same, threatened the petitioner to remove the construction; and that aggrieved by the same, the present Writ Petition is filed.

4. Learned Standing Counsel for respondents represented that the petitioner has obtained permission for construction of G + two upper floors for residential purpose, however, contrary to the sanctioned plan, the petitioner raised two extra floors and also converted the said building into commercial purpose, therefore, the respondents have rightly issued the notices under Section 452(1) and 461(1) of the HMC Act, 1955. Learned Standing Counsel further submitted that subsequent to filing of the present Writ Petition, the petitioner submitted an application vide No.200003308, dated 25.12.2015 for regularization of unauthorised construction in terms of GO.Ms.No.152, MA, dated 02.11.2015 and the same is pending consideration and therefore, learned Standing Counsel prayed that appropriate directions be given to respondents to consider the said application of the petitioner as per GO.Ms.No.152.

4.1. Learned Standing Counsel for respondents-GHMC further submitted that the State Government has issued GO.Ms.No.152, dated 02.11.2015 for regularization of unauthorized constructions made in deviation of sanctioned plan and the said GO was challenged in WP(PIL).No.63 of 2016, wherein a Division Bench

of this Court vide interim order dated 18.10.2016 directed GHMC/respective Municipal Corporations to decide the applications for regularization and if the applications for regularization are rejected, to take further action for demolition of illegal structures in accordance with law. He further submitted that insofar as applications where the GHMC or the other Municipal Corporations, tentatively decide to regularize the illegal structures, such a decision shall merely be recorded in the file, and shall neither be given effect to nor shall it be communicated to the applicants, pending further orders from this Court.

5. It is relevant to note that the Government of Telangana has formulated Rules for regularization of unauthorized/illegal constructions, which are constructed in deviation of sanctioned plan or without permission, vide GO.Ms.No.152, dated 02.11.2015. As per the said G.O., the application for regularization of unauthorized construction has to be submitted within a period of 60 days from the date of notification of the said Rules along with 50% of regularization amount as per Rule 5 or minimum of Rs.10,000/- whichever is less. The competent authority, i.e., Municipal Commissioner in case of Municipal Corporations, Metropolitan

Commissioner in case of HMDA, shall, on scrutiny of applications and inspection of sites, either approve or reject the applications and communicate the same to the applicant(s) concerned as early as possible, but not beyond six months from the date of receipt of applications.

6. The Regularization Rules were notified on 02.11.2015, as per which, applications for regularization were to be filed within 60 days from the said notified date and the same were supposed to be processed within a period of six months from the last date of receipt of applications. However, in the instant case, even after lapse of more than nine years, the application is still pending and no action has been taken by the respondents on the application submitted for regularization plaintiff unauthorized/illegal construction till date.

7. The regularization scheme under GO.Ms.No.152, dated 02.11.2015 was challenged in WP (PIL).No.63 of 2016, wherein interim directions were passed by a Division Bench of this Court on 18.10.2016 as under:-

"We consider it appropriate, in such circumstances, to modify the earlier order, and direct that the applications for regularization be processed in accordance with the

regularization scheme notified in G.O.Ms.No.1:2 dated 02.11.2015. In case the GHMC or the other Municipal Corporations in the State of Telangana, after considering the applications for regularization, decide to reject the request for regularization, it is open to them to communicate the orders of rejection to the applicants concerned, and thereafter take action for demolition of the illegal structures in accordance with law. In such of those cases where the GHMC, or the other Municipal Corporations, tentatively decide to regularize the illegal structures, such a decision shall merely be recorded in the file, and shall neither be given effect to nor shall it be communicated to the applicants, pending further orders from this Court."

8. Subsequently, the said WP(PIL) along with a batch of Writ Petitions was disposed of vide order, dated 28.04.2021, with a direction that the interim order dated 18.10.2016 passed in W.P.(PIL).No.63 of 2016 shall continue to operate till a decision is taken by the Supreme Court on W.P.(Civil) No.1230 of 2020.

9. It is appropriate to refer to the recent judgment of the Hon'ble Supreme Court in ***Rajendra Kumar Barjawa and another Vs. U.P. Avas Evam Vikas Parishad and others***¹, wherein the Hon'ble Supreme Court by referring to a catena of decisions, viz.,

¹ 2024 SCC Online SC 3767

K.Ramadas Shenoy Vs. Chief Officers, Town Municipal Council², Dr. G.N.Khajuria and others Vs. Delhi Development Authority and others³, M.I. Builders (Petitioner) Ltd Vs. Radhey Shyam Sahu⁴, Esha Ekta Apartments Co-Op Housing Society Limited Vs. Municipal Corporation of Mumbai⁵, Supertech Limited Vs. Emerald Court Owner Resident Welfare Association and others⁶, Kerala State Costal Zone Management Authority Vs. Maradu Municipality⁷, State of Haryana Vs. Satpal⁸, has issued further directions in addition to the directions given in *Re: Directions in the matter of demolition of structures*, vide order dated 13.11.2024 in WP(Civil).Nos.295 and 328 of 2023, WP(Criminal).No.162 of 2022. The Hon'ble Supreme Court has specifically directed that in the event of any application/appeal/revision being filed by the owner or builder against non-issuance of completion certificate or for regularization of unauthorized construction or rectification of deviation, etc., the same shall be disposed of by the authority concerned, including the

² (1974) 2 SCC 506

³ (1995) 5 SCC 762

⁴ (1999) 6 SCC 464

⁵ (2013) 3 SCC (Civil) 89

⁶ (2021) 10 SCC 1

⁷ (2021) 16 SCC 822

⁸ (2023) 6 SCC 643

pending appeals/revisions, as expeditiously as possible, in any event not later than 90 days as statutorily provided.

10. In the present case, it is the specific case of the petitioner that the application for regularization was submitted on 25.12.2015, however, the same is pending and has not been processed by the respondents till date.

11. In the light of aforesaid order, dated 23.04.2021 of a Division Bench of this Court in WP(PIL).No.63 of 2013 and batch as well as the directions issued by the Hon'ble Supreme Court in **Rajendra Kumar Barjatya's** case (cited supra), this Writ Petition is disposed of with a direction to the respondents-GHMC to process the application dated 25.12.2015 submitted by the petitioner for regularization of unauthorized/illegal construction and pass appropriate orders, in terms of interim order dated 18.06.2016 passed in WP(PIL).No.63 of 2016, within a period of three months from the date of receipt of a copy of this order.

12. Miscellaneous petitions pending, if any, shall stand closed.

No costs.

SD. P.C. SULEKHA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
2. The Dy. Commissioner, GHMC, Circle-11, Serilingampally, Hyderabad.
3. One CC to SRI N. SAIDA RAO, Advocate [OPUC]
4. One CC to SRI G. MADHUSUDHAN REDDY, S.C. for GHMC [OPUC]
5. Two CD Copies

MP

HIGH COURT

DATE: 04/12/2025



ORDER

WP.No.24437 of 2014

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

⑦ fpl
24/12/25