

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

**WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 22177 OF 2025

Between:

1. Kallem Balvanth Reddy, S/o.Late Seetha Ram Reddy, Aged about 58 years, Occ.Business, R/o.6-34, Balapur Village, Balapur Mandal, Ranga Reddy District.
2. Kallem Yella Reddy, S/o.Late Narayan Reddy, Aged about 55 years, Occ. Business R/o.Villa No.1 12, Nakshatra Colony, Balapur Village, Ranga Reddy District.

.....PETITIONERS

AND

1. The State of Telangana, Rep.by its Principal Secretary Municipal Administration and Urban Development Department Secretariat, Hyderabad, Telangana State.
2. The Municipal Commissioner, Jalpally Municipality, Jalpally, Ranga Reddy District, Telangana State.
3. The Town Planning Officer, Jalpally Municipality, Jalpally, Ranga Reddy District, Telangana State.
4. The Hyderabad Metropolitan Development Authority, (HMDA), Rep.by its Secretery, Swarnajayanthi Commercial Complex, Ameerpet, Hyderabad - 500 038 Telangana State.
5. The City Planning Officer, Shamshabad Zone, Hyderabad Metropolitan Developmnet Authority, Ranga Reddy District.
6. The Metroppolitan Commissioner / Director (Planning) - II, I lyderabad Metropolitan Development Authority Swarna Jayanthi Complex, Ameerpet, Hyderabad.
7. The District Registrar, Prasanth Nagar, IDA. Kukatpally. Ranga Reddy District.
8. The Sub-Registrar, Champapet S.R.O.. Ranga Reddy District.

9. M/s. Snehitha Builders Private Limited., Rep.by its Managing Director Sri Vemireddy Narasimha Reddy. S/o.Linga Reddy Age 66 years. Oce. Business, R/o.H.No.3-2-870/3, VNR Complex, Station Road. Kacheguda, 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 Certiorari to call for the records from the 6th respondent authority declaring the action of Respondent No.4 to 6 in approving the final layout over the land in Sy. Nos. 145 situated at Balapur ^{vill} and Mandal, Ranga Reddy District in favour of M/s. Snehitha Builders Private limited. i.e. Respondent No.9 vide Letter No. Part025152/SMD/LT/U6/F1/2019, dated 28.09.2024 as arbitrary, illegal, unconstitutional, violation of principles of natural justice and contrary to the proceedings vide Proc.No.2335/SHZ/PLG/HMDA/2020, dated 06.12.2021 issued by Respondent No.4 and consequential relief to revoke the approved layout, dt. 28.09.2024 in favor of Respondent No.9 with the further directions to the Respondent Municipal Authorities i.e. Respondent No. 2 and 3 to demolish the illegal structures over the property to an extent of Ac.348-35 Gts in Survey Nos.144 and 145 situated at Balapur Village and Mandal, Ranga Reddy District.

I.A.NO:1 OF 2025

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 to suspend the final layout pending disposal of the writ petition.

I.A.NO:2 OF 2025

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 to direct the Sub Registrar/District Registrar and IO (INSPECTOR GENERAL OF STAMPS) not to entertain any sale deed or sale deeds of plots which form part of final layout which is subject matter of the writ petition and pass

Counsel for the Petitioner : SRI C.HANUMANTHA RAO

Counsel for the Respondent No.1 : GP FOR MCPL ADMN AND URBAN DEV

Counsel for the Respondent Nos.2 & 3 : SRI J.RAVINDER REDDY

Counsel for the Respondent Nos.4 to 6 : SRI V.NARASIMHA GOUD

**Counsel for the Respondent No.9 : SRI D.PRAKASH REDDY, SENIOR
COUNSEL REPRESENTING SRI D.RAGHAVENDRA RAO**

The Court made the following ORDER

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

HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.22177 of 2025

Dated:17.06.2026

Between:

*Kallem Balvanth Reddy
and another.*

...Petitioners

And:

*The State of Telangana, repled., by
its Principal Secretary,
Municipal Administration & Development
Department, Hyderabad and eight others.*

...Respondents

ORDER:

This Writ Petition is filed to declare the action of respondent Nos.4 to 6 in approving the final layout in respect of the land in Sy.No.145 situated at Balapur Village and Mandal, Ranga Reddy District, in favour of respondent No.9, vide letter No.Part025152/SMD/LT/U6/F1/2019, dated 28.09.2024, as illegal, arbitrary and in violation of principles of natural justice and for consequential relief.

2. Heard Sri Chava Hanumantha Rao, learned counsel for petitioners, Sri J.Ravinder Reddy, learned Standing Counsel for respondent Nos.2 and 3, Sri V.Narasimha Goud, learned Standing Counsel for respondent

Nos.4 to 6 and Sri D.Prakash Reddy, learned senior counsel appearing for Sri D.Raghavendra Rao, learned counsel-on-record for respondent No.9.

3. In nut-shell the facts of the case, as averred in the writ affidavit, are that petitioners are the legal successors of late Kallem Bal Reddy-owner of land admeasuring Acs.348.35 gts in Sy.Nos.144 and 145 of Balapur Village and Mandal, Ranga Reddy District (hereinafter referred to as 'the subject property'); that the name of late Kallem Bal Reddy was reflected as pattadar/land holder in the revenue records (Sesala Pahani) upto the year 1963-64; and that the name of one Kadari Venkaiah was recorded as a protected tenant.

3.1. While so, the Tahsildar issued proceedings vide File No. B/563/1987 dated 20.08.1987, wherein names of 12 unrelated persons are shown as protected tenants besides the legal heirs of Kadari Venkaiah; that aggrieved thereby, the legal heirs of Kadari Venkaiah filed Appeal No.F2/5036/2006 (renumbered as F2/5402/2013), which was dismissed on the ground of limitation; that challenging the same, the legal heirs of Kadari Venkaiah filed CRP.No.436/2008 before this

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Court, which stood allowed and the matter was remanded to the Joint Collector for fresh adjudication; that questioning the said order, the protected tenants filed Special Leave Petitions, *vide* SLP(C).Nos.5737, 5738 and 5739 of 2014 against respondent No.9 and others along with an intervention application and the Hon'ble Supreme Court, by order dated 17.03.2015, directed the Joint Collector to afford an opportunity of hearing to all parties, consider the documents produced by them and then pass appropriate orders; that pursuant thereto, the Joint Collector passed order dated 31.08.2018 in File No.F2/5402/2013, cancelling the alleged surrender of tenancy rights; that aggrieved thereby, the petitioners (landlords) filed CRP.No.1917 of 2019, wherein interim order dated 21.08.2019 was granted not to conduct survey over the subject property for the purpose of taking away the same in terms of the order dated 31.08.2018 passed by the Joint Collector; and that the protected tenants also filed CRP.No.72/2019, wherein this Court passed interim order dated 27.12.2019 staying operation of the order dated 31.08.2018 passed by the Joint Collector.

3.2. It was further averred that circumventing the aforesaid orders of this Court, third parties created illegal sale deeds over the subject

property and the Tahsildar, Balapur Mandal, confirmed the surrendering of rights of protected tenants in favour of respondent No.9, *vide* proceedings in File Nos.B/1386/21 dated 28.01.2022, 13/791/2019, dated 27.07.2019, and B/792/2019, dated 27.07.2019 and in all the Writ Petitions filed by the protected tenants challenging the said proceedings, *vide* WP.Nos.21063, 22795, 25466 and 39449 of 2022, this Court granted interim order suspending the aforesaid proceedings of the Tahsildar.

3.3. It is further averred that in pursuance of the interim orders passed by this Court, the subject property has been included in the prohibitory properties list. Despite the same, respondent No.9 misrepresented the facts and obtained technical approval for layout, *vide* Permit No.000091/LO/Plg/HMDA/2020, dated 25.08.2020.

3.4. The petitioners further averred that respondent No.9 has also obtained final layout approval for open plots and a clubhouse (stilt + 4 floors) in Sy.No.145/1, *vide* letter No.Part-02152/SMD/LT/U6/H/2019 dated 28.09.2024. Aggrieved thereby, the petitioners, being the legal

heirs of Kallem Bal Reddy-original landlord, filed the present writ petition.

4. Learned counsel for the petitioners submitted that the petitioners are the pattadars and absolute owners of the subject property, being the legal heirs of late Kallem Bal Reddy, whose name was reflected as pattadar/landholder in the Sesala Pahani as well as in the revenue records upto 1963-64, and that there is no dispute with regard to their ownership over Acs.348.35 gts in Sy.Nos.144 & 145. He further submitted that respondent No.9, without any lawful title or authority, obtained layout permission from HMDA by playing fraud, misrepresenting and deliberately suppressing the material facts, viz., the subject property being notified in prohibited properties list under Section 22-A of the Registration Act, 1908, pendency of disputes as regards the title and tenancy over the subject property, pendency of several CRPs and Writ Petitions filed in respect of the subject property and also pendency of the connected proceedings pending before the revenue authorities, and as such, the layout permission is liable to be cancelled.

4.1. Learned counsel for petitioners submitted that since respondent No.9 obtained the layout approved by playing fraud, the same is vitiated in law. In support of his submission, he relied upon the judgment of the Hon'ble Supreme Court in *S.P.Chengalvaraya Naidu v. Jagannath*¹ and *A.V.Papayya Sastry v. Government of A.P.*², wherein it is categorically held that fraud vitiates all judicial acts, irrespective of whether the same are in *personam* or in *rem*.

4.2. Learned counsel for petitioners further submitted that verification of clear and undisputed title is mandatory before grant of layout approval, and the HMDA failed to discharge this statutory obligation cast on it by issuing layout approval without verifying the revenue records and the entries in prohibitory list and also ignoring the pendency of various litigations with regard to the subject property. He further submitted that the HMDA erred in not exercising the power under Section 22 of the HMDA Act and revoking the final approved layout granted to respondent No.9.

4.3. Learned counsel for the petitioners further submitted that since respondent No.9 has no valid right or title over the subject property, the

¹ 1994 (1) SCC 1

² 2007 (4) SCC 221

sale deeds executed by it in favour of third parties have no effect and in support of the said submission, he relied upon the judgment of the Hon'ble Apex Court in ***K.Gopi Vs. Sub-Registrar***³.

4.4. Learned counsel further asserted that since the subject property is included in prohibitory list, the same bars the statutory authorities concerned from entertaining any registration or granting developmental permission in respect of the subject property until the prohibition is removed. He further submitted that the doctrine of *lis pendens* under Section 52 of the Transfer of Property Act prohibits creation of third-party rights in respect of the property during the pendency of disputes in relation thereto.

4.5. He further submitted that the proceedings dated 27.07.2019 and 28.01.2022, issued by the Tahsildar, purporting to accept surrendering of protected tenancy rights by the alleged third parties in favour of respondent No.9 and deleting the names of the legal heirs of Kadari Venkaiah from the then existing PT register, are wholly without jurisdiction since the tenancy dispute was already *sub judice* before this Court in CRP.Nos.72 and 1917 of 2019, and the alleged surrender of tenancy rights by third parties in favour of respondent No.9 was not

³ 2025 SCC ONLINE SC 740

lawful. He further submitted that respondent No.9, having knowledge that the subject land was in prohibitory list, pendency of litigations with regard to tenancy rights and the interim orders granted by this Court in CRP.No.72 of 2019 and 1917 of 2019, cannot claim to be a bona fide purchaser; that the continuation of development or construction activities by respondent No.9 in the subject property will lead to multiplicity of proceedings, creation of irreversible third-party rights, and cause irreparable loss to the petitioners' legitimate rights and by application of doctrine of *lis pendens*, no legal rights are said to be transferred from respondent No.9 to the third parties.

5. By advancing the aforesaid arguments, learned counsel for the petitioners prayed to allow the Writ Petition.

6. In support of his contentions, learned counsel for petitioners placed reliance on the following judgments:-

1. S.P. Chengalvaraya Naidu v. Jagannath

2. A.V. Papayya Sastry v. Government of A.P

3. K.Gopi v. Sub-Registrar

4. *Shivshankara and anr v. H.P. Vedavyasa Char*⁴
 5. *State of Punjab and anr v. Gurdial Singh and ors*⁵
 6. *State of AP and ors v. N. Audikesava Reddy and ors*⁶
 7. *Jagmittar Sain Bhagat and ors v. Director, Health Services, Haryana*⁷
 8. *Order dated 27.12.2022 passed in Writ Appeal No.157 of 2023*
 9. *Ramakant Ambalal Choksi v. Harish Ambalal and ors*⁸
 10. *Ramesh Chand (D) thr. Lrs v. Suresh Chand and anr*⁹
7. In *S.P.Chengalvaraya Naidu's* case (cited supra), the Hon'ble Supreme Court observed thus:

"The principle of "finality of litigation" cannot be pressed to the extent of such an absurdity that it becomes an engine of fraud in the hands of dishonest litigants. The courts of law are meant for imparting justice between the parties. One who comes to the court, must come with clean-hands. We are constrained to say that more often than not, process of the court is being abused. Property-grabbers, tax- evaders, bank-loan-dodgers and other unscrupulous persons from all walks of life find the court - process a convenient lever to retain the illegal-gains

⁴ 2023 Live Law (SC) 261

⁵ 1980 (2) SCC 471

⁶ 2002 (1) SCC 227

⁷ 2013 (10) SCC 136

⁸ 2024 INSC 913

⁹ 2025 INSC 1059

indefinitely. We have no hesitation to say that a person, who's case is based on falsehood, has no right to approach the court. He can be summarily thrown out at any stage of the litigation".

8. In **A.V.Papayya Sastry's** case (cited supra), the Hon'ble Supreme Court observed thus:

"It is well settled principle of law that if any judgment or order is obtained by fraud, it cannot be said to be a judgment or order in law. Before three centuries, Chief Justice Edward Coke proclaimed;

"Fraud avoids all judicial acts, ecclesiastical or temporal".

It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and non est in the eye of law. Such a judgment, decree or order by the first Court or by the final Court has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings.

Fraud may be defined as an act of deliberate deception with the design of securing some unfair or undeserved benefit by taking undue advantage of another. In fraud one gains at the loss of another. Even most solemn proceedings stand vitiated if they are actuated by fraud. Fraud is thus an extrinsic collateral act which vitiates all judicial acts, whether in rem or in personam. The principle of 'finality of litigation' cannot be stretched to the extent of an absurdity that it can be utilized as an engine of oppression by dishonest and fraudulent litigants."

9. In **K.Gopi's** case (cited supra), the Hon'ble Supreme Court as held that:

"The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title.

... Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered.

.....The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.

10. In the case of ***Shivshankara and anr's*** case (cited supra) the Hon'ble Supreme Court held as under:

"It is a well-nigh settled position that wherever TP Act is not applicable, such principle in the said provision of the said Act, which is based on justice, equity and good conscience is applicable in a given similar circumstance, like Court sale etc. Transfer of possession pendente lite will also be transfer of property within the meaning of Section 52 and, therefore, the import of Section 52 of the TP Act is that if there is any transfer of right in immovable property during the pendency of a suit such transfer will be non est in the eye of law if it will adversely affect the interest of the other party to the suit in the property concerned. We may hasten to add that the effect of Section 52 is

that the right of the successful party in the litigation in regard to that property would not be affected by the alienation, but it does not mean that as against the transferor the transaction is invalid."

11. Per contra, learned Senior Counsel appearing for respondent No.9 submitted that the petitioners, who claim to be successors to the subject property, have deliberately and willfully suppressed the crucial fact that their family had already alienated their limited 1/15th share in the subject property.

11.1. Learned senior counsel, in support of his submission, has brought to the notice of this Court the registered Agreement of Sale-cum-General Power of Attorney with possession vide Document No.10954/2006 dated 15.05.2006 for Acs.9.37 gts in Sy.No.144, and document No.13750/2006 dated 29.06.2006 for Acs.13.13 gts in Sy.No.145, executed by the petitioners, (shown as Vendor Nos.5 and 19), along with other family members representing their branch, in favour of third parties and the petitioners having received total sale consideration, delivered possession of the subject property to the vendees. Thus, the petitioners are estopped from asserting any right, title or interest over the lands covered under the aforesaid deeds, which

includes the land covered under the HMDA approved layout and hence, the writ petition is liable to be dismissed at the threshold for want of *locus standi* of the petitioners as well as on the ground of suppression of material facts.

11.2. Learned senior counsel further submitted that the present Writ Petition raises disputed questions of title, ownership and possession in respect of the subject property extending over a period of nearly seven decades and such issues cannot be adjudicated in writ proceedings under Article 226 and can only be decided by a competent civil Court after recording evidence and therefore, on this ground also, the writ petition is not maintainable.

11.3. He further submitted that the bona fide third party plot purchasers from respondent No.9, who have commenced construction in the subject property, strictly in accordance with the permission granted by the competent authorities, are necessary and proper parties to the *lis*, as any order passed in their absence would directly and adversely affect their vested rights. Hence, the writ petition is liable to be dismissed for non-joinder of necessary parties.

11.4. He further submitted that the impugned final approved layout dated 28.09.2024 was granted by HMDA only after the subject property was deleted from the prohibitory list, which was the sole basis for passing of the abeyance order dated 06.12.2021, earlier thereto.

12. Learned senior counsel has drawn the attention of this Court to the Undertaking, dated 26.09.2024, given by respondent No.9 specifically stating that it will indemnify and compensate the HMDA for any loss, damages or liabilities in the event of passing any adverse orders by the Court in the pending cases, including CRP.No.1917/2019 filed by the petitioners herein. Therefore, the impugned final layout approval is neither illegal nor arbitrary and the same is issued in accordance with law. The petitioners have failed to produce a single document evidencing their possession over the land in Sy.Nos.144 and 145. Hence, on the aforesaid grounds, the writ petition, being devoid of merits, is liable to be dismissed.

12.1. Learned Standing Counsel for respondent Nos.4 to 6 submitted that the HMDA had accorded draft layout approval for 747 plots, consisting of 136 housing plots, open spaces, and a clubhouse area in

the land situated in Sy.No.145/P, Balapur Village, admeasuring 3,43,864.92 square meters, vide Application No. 025152/SMD/LT/U6/HMDA/26062019 and Layout Permit No. 000091/LO/Plg/HMDA/2020 dated 10.09.2020. That subsequently, on receiving objections from Kadari Anjaiah and others, claiming protected tenancy rights over the said survey number, detailed hearings were conducted and the documents produced by all parties were examined, and the proceedings dated 06.12.2021, were issued keeping the final approval of the layout in abeyance until disposal of the related court cases and deletion of the subject land from the prohibitory list.

12.2. Learned Standing Counsel further submitted that some of the protected tenants filed affidavits before the HMDA as well as before the Tahsildar surrendering their protected tenancy rights in favour of respondent No.9, which were confirmed *vide* Proceedings No. B/1386/2021 dated 28.01.2022, and the said persons also withdrew the objections pending before the HMDA. Further, based on the letter dated 27.10.2022, of the Sub-Registrar, Champapet, informing that there were no prohibitory orders on Sy.No.145 i.e., subject survey number, and that accordingly, the said Survey number was deleted from the Prohibitory

Watch Register, the HMDA issued the final approval of the layout on 28.09.2024.

12.3. Learned Standing Counsel further submitted that the petitioners have not impleaded the bona fide purchasers/third-party plot owners, who are necessary and proper parties and as such, the writ petition is not maintainable for non-joinder of necessary parties. The draft layout was never cancelled or revoked; it was merely kept in abeyance, pending clarification on protected tenancy claims. Once HMDA was satisfied about the *prima facie* title, and in the absence of any stay, injunction, status quo order, or other prohibitory direction binding HMDA, the respondent authorities were statutorily obligated to process the application under Section 22 of the HMDA Act. As on the date of issuance of final approved layout, dated 28.09.2024, there existed no legal impediment preventing HMDA from issuing the same and therefore, the Writ Petition is liable to be dismissed.

13. This Court gave its earnest consideration to the submissions advanced by the learned Counsel for petitioners as well as learned Senior Counsel for respondent No.9 and learned Standing Counsel for

respondent Nos.4 to 6 and perused the entire material available on record.

14. The petitioners allege that respondent No.9 obtained the layout approvals by suppressing the pendency of various litigations and prohibitory orders, and relied upon the principles laid down in *S.P. Chengalvaraya Naidu's case (cited supra)* and *A.V. Papayya Sastry's case (cited supra)* wherein it was held that fraud vitiates all judicial and administrative acts.

15. A careful examination of the record reveals that the HMDA had initially kept the final approval of the layout in abeyance through proceedings dated 06.12.2021, on the grounds that the subject property is in prohibitory list and that this Court in CRP.No.72 of 2019, vide orders dated 27.02.2019, has granted stay of order passed by the Joint Collector with regard to surrender of tenancy rights.

16. It is the case of the HMDA that based on the letter of the SRO, Champapet, dated 27.10.2022, stating that there are no stay/injunction/status quo orders granted by the Court of law and the subject Survey

number was deleted from the prohibitory Watch Register, the HMDA has approved the final layout, vide the impugned proceedings.

17. Respondent No.9 claims to have title and ownership over the subject land by virtue of surrendering of tenancy rights by the tenants. Therefore, the crux of the issue goes to surrendering of tenancy rights in respect of the subject property in favour of respondent No.9. The surrendering of tenancy rights was dealt with by the Joint Collector, who vide orders dated 31.08.2018 cancelled the alleged surrender of tenancy rights and set aside the succession orders, dated 20.08.1987, issued to Kadari Balaiah and 30 others, who are the legal heirs of Kadari Venkaiah. However, this order of the Joint Collector was challenged before this Court in CRP.Nos.1917 and 72 of 2019 and this Court vide orders dated 21.08.2019 and 27.02.2019, respectively, has granted interim stay of operation of the said order.

18. Further, it is borne out from the record that some of the legal heirs of Kadari Venkaiah filed WP.Nos.22795 and 25466 of 2022 seeking to quash the proceedings of the Tahsildar, Balapur, dated 27.07.2019, whereunder the protected tenancy rights were surrendered

to respondent No.9 herein and this Court vide orders, dated 29.04.2022 and 27.10.2022 passed in WPNos.22795 and 25466 of 2022, respectively, has categorically observed that under Section 19(1) of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1956, protected tenancy rights can be surrendered only in favour of landlords and not in favour of any third parties and accordingly, suspended the orders impugned therein. The said interim orders passed by this Court are subsisting as on today.

19. Admittedly, respondent No.9 is not the landowner and he is a third party to the subject property and therefore, surrendering of protected tenancy rights by the persons who are claiming tenancy rights over the subject property in favour of respondent No.9 is *nonest* in the eye of law and has no legal validity.

20. Furthermore, even in WPNos.21063 of 2022, this Court, vide orders dated 29.04.2022, suspended the impugned proceedings therein surrendering the tenancy rights by the protected tenants in favour of respondent No.9 in respect of the subject property. These orders

necessarily mean that respondent No.9 has no right or title over the subject Survey number.

21. Therefore, from the above it is manifest that as on the date of addressing the letter dated 27.10.2022, by the Sub-Registrar, Champapet, to the HMDA, the interim orders passed in WPNo.22795 of 2022, dated 29.04.2022 and in W.P.No.21063 of 2022, dated 29.04.2022 and CRP.Nos.1917 and 72 of 2019, dated 21.08.2019 and 27.02.2019, respectively, with regard to the subject Survey Number were subsisting. The Tahsildar, Balapur Mandal, was a party to the said Writ Petitions, therefore, passing of the aforesaid orders by this Court was in the knowledge of the revenue authorities. However, there appears to be some miscommunication between the revenue and registration Departments and the said orders are not noted in the Registers maintained by the Sub-Registrar.

22. In addition to the above, it is apt to note that respondent No.9 herein is a party to the aforesaid Writ Petitions, whereunder interim orders were passed to the effect that surrender of tenancy rights in its favour were suspended by this Court, and as such, it is well aware and

has knowledge of the said orders. However, respondent No.9 has suppressed and not disclosed the orders passed by this Court in the Writ Petitions mentioned hereinabove while making application for final approval of the layout.

23. In this regard, it is trite to refer to the judgment of this Court in *Smt. Lalitha Srikrish & others Vs. The State of Telangana, rep. by its Principal Secretary, MA & UD, Secretariat, Hyderabad & others*¹⁰, wherein it is held that the applicant shall necessarily disclose all the facts and file all the relevant documents while applying for permission for construction. It was further held that the pending cases or litigations over the building permission is invariably linked to ownership or title, such pending litigations/dispute with regard to title over the property is a material fact which has to be mandatorily disclosed by the appellant who seeks building permission over said property. Such disclosure of pending litigations/suits is necessary for the authorities to determine *prime facie* title and possession.

24. With regard to the same aspect, it is pertinent to note the ratio laid down by a Division Bench of this Court, vide judgment dated 24.08.2021

¹⁰ (2022) 2 ALT 37

in Writ Appeal No.162 of 2021 {*M/s. Fortuna Infrastructure India Pvt. Ltd. vs. State of Telangana*}, wherein it is held that non-disclosure of pending litigation amounts to material misrepresentation under Section 450 of the GHMC Act, 1955.

25. In the light of the aforesaid two judgments of this Court, the inaction on the part of respondent No.9 in disclosing the pendency of the Writ Petitions and CRP before this Court with regard to the subject survey numbers before the HMDA while making application for approval of final layout amounts to material misrepresentation and suppression of facts.

26. The final approved layout was issued with an observation that the protected tenants have surrendered their tenancy rights in favour of respondent No.9 and also made representations that they have no claims over the subject lands. Due to the misrepresentation of the material fact as regards suspension of surrendering of tenancy rights in its favour by this Court in the aforesaid Writ Petitions, the administrative power exercised by HMDA by approving the final layout is vitiated, since it is settled principle of law that fraud vitiates all judicial and administrative

acts. (See *S.P.Chengalvaraya Naidu's* case (cited supra) and *A.V.Papayya Sastry's* case (cited supra).

27. In the teeth of the interim orders passed by this Court, the surrender of tenancy rights in favour of respondent No.9 in respect of the subject property stood suspended, thereby, respondent No.9 holds no valid title over the subject property.

28. Hence, the observations and understanding on which the HMDA granted final approved layout are factually incorrect and are contrary to the interim orders passed by this Court in the pending Writ Petitions and CRP, mentioned hereinabove.

29 As regards the contention of respondent No.9 that the petitioners have already alienated their share in the subject survey number and as such, they have no locus standi to file the present Writ Petition, a perusal of the record discloses that the interse tenancy rights in respect of the subject survey numbers between the legal heirs of the protected tenant-Kadari Venkaiah are not adjudicated conclusively and the matter is pending consideration before the revenue authorities. Therefore, this Court exercising the powers under Article 226 of the

Constitution of India cannot delve into the said disputed question of title and it is for the parties to agitate the same before the appropriate forum which after conducting detailed enquiry, shall pass appropriate orders in accordance with law.

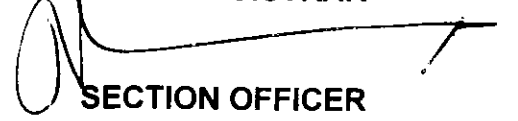
30. For the foregoing reasons and discussion, this Court holds that respondent No.9 has suppressed and not disclosed the subsistence of interim orders passed by this Court in the aforementioned Writ Petitions in respect of the subject survey number, which amounts to misrepresentation of material facts and therefore, the impugned final approved layout is liable to be set aside.

31. Accordingly, this Writ Petition is allowed, setting aside the letter No.Part025152/SMD/LT/U6/F1/2019, dated 28.09.2024, whereby final layout was approved in favour of respondent No.9, and the matter is remanded to respondent No.6 with a direction to take into account and scrupulously follow all the orders passed by this Court in the aforesaid Writ Petitions in respect of the subject survey number, afford an opportunity of hearing to all the parties concerned and pass appropriate orders in accordance with law. No costs.

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

//TRUE COPY//

SD/- C. DEEPIKA
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Principal Secretary, State of Telangana, Rep.by its Principal Secretary Municipal Administration and Urban Development Department Secretariat, Hyderabad, Telangana State.
2. The Municipal Commissioner, Jalpally Municipality, Jalpally, Ranga Reddy District, Telangana State
3. The Town Planning Officer, Jalpally Municipality, Jalpally, Ranga Reddy District, Telangana State
4. The Hyderabad Metropolitan Development Authority, (HMDA), Rep.by its Secretery, Swarnajayanthi Commercial Complex, Ameerpet, Hyderabad - 500 038 Telangana State
5. The City Planning Officer, Shamshabad Zone, Hyderabad Metropolitan Developmnet Authority, Ranga Reddy District.
6. The Metroppolitan Commissioner / Director (Planning) - II, I lyderabad Metropolitan Development Authority Swarna Jayanthi Complex, Ameerpet, Hyderabad.
7. The District Registrar, Prasanth Nagar, IDA. Kukatpally. Ranga Reddy District.
8. The Sub-Registrar, Champapet S.R.O.. Ranga Reddy District.
9. M/s. Snehitha Builders Private Limited., Rep.by its Managing Director Sri Vemireddy Narasimha Reddy. S/o.Linga Reddy Age 66 years. Oce. Business, R/o.H.No.3-2-870/3, VNR Complex, Station Road. Kacheguda, Hyderabad.
10. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana, at Hyderabad. [OUT]
11. One CC to SRI C.HANUMANTHA RAO, Advocate [OPUC]
12. One CC to SRI D.RAGHAVENDRA RAO, Advocate (OPUC)
13. One CC to SRI J.RAVINDER REDDY, Advocate (OPUC)
14. One CC to SRI V.NARASIMHG GOUD, Advocate (OPUC)
15. Two CD Copies

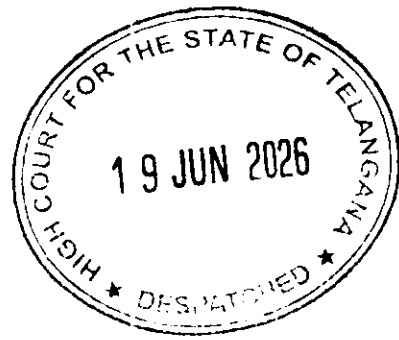
SA



GJP

HIGH COURT

DATED: 17/06/2026



ORDER

WP.No.22177 of 2025

**ALLOWING THE W.P
WITHOUT COSTS.**

(18) MT
19/6/26