

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
AND
THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY**

WRIT APPEAL NO: 1131 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 25/08/2025, in I.A.No.1 of 2025 in W.P.No.25104 of 2025 on the file of the High Court.

Between:

Sri P. Pradeep Reddy, S/o P. Narasimha Reddy, Aged about 45 years, R/o #242, Near RTA Office, Goutham Nagar, Upperpally, Rajendra Nagar, R.R. District.

...APPELLANT/RESPONDENT No.5

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development, Telangana Secretariat, Saifabad, Hyderabad.
2. Greater Hyderabad Municipal Corporation, Rep. by the Commissioner, Tankbund, Hyderabad.
3. Greater Hyderabad Municipal Corporation, Rep. by the Zonal Commissioner, Charminar Zone, Hyderabad.
4. Greater Hyderabad Municipal Corporation, Rep. by the Deputy Commissioner, Circle 11, Rajendra Nagar, Hyderabad.

...RESPONDENTS/RESPONDENT Nos.1 to 4

5. Sri Kalathur Desikan, S/o Late K Narasimha Chary, Aged about 70 years, Occ. Business, R/o Flat No 310, Priya Apartments, 1-1-560, New Bakaram, Hyderabad-20.

...RESPONDENTS

IA 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 SUSPEND the operation of the Order dated 25/08/2025 in I.A. No.1 of 2025 in W.P. No. 25104 of 2025, pending disposal of main writ appeal.

IA NO: 3 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 respondent No.4 to unseal the structures in the property i.e. the Plot No.5/part., in survey No. 18/5, situated at Goutham Nagar, Upperpally, Rajendra Nagar and pass such other order or orders in the interest of justice.

Counsel for the Appellant: SRI S.MALLESWARA RAO

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

**Counsel for the Respondent No.2 to 4: SRI RAPARTHI VENKATESH,
SC FOR GHMC**

Counsel for the Respondent No.5: SRI G.PURUSHOTHAN RAO

The Court delivered the following: JUDGMENT

THE HON'BLE SRI JUSTICE K. LAKSHMAN
THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY
WRIT APPEAL No.1131 of 2025

JUDGMENT:

Heard S. Malleswara Rao, learned counsel for the appellant, Sri Raparthi Venkatesh, learned Standing Counsel for GHMC appearing for respondent Nos.2 to 4 and Sri G. Purushotham Rao, learned counsel for respondent No.5.

2. Challenging the order dated 25.08.2025 passed by the learned Single Judge in I.A.No.1 of 2025 in W.P.No.25104 of 2025, the appellant/respondent No.5 preferred the present intra-Court appeal under Clause 15 of Letters Patent.

3. Perusal of record would reveal that the appellant herein had filed a writ petition *vide* W.P.No.36749 of 2024 to declare the Show Cause Notice dated 23.12.2024 issued by respondent No.4 as illegal. *Vide* order dated 30.12.2024, this Court directed the appellant herein to submit explanation to the Show Cause Notice dated 23.12.2024, within one week from the date of the order. This Court also directed respondent No.4 to consider the said explanation submitted by the appellant and pass appropriate orders, strictly in accordance with law. This Court also made it clear that if the appellant fails to submit

explanation within the aforesaid time, liberty was granted respondent No.4 to take action against the appellant in accordance with law.

4. Sri Raparthi Venkatesh, learned Standing Counsel appearing for respondent Nos.2 to 4, on instructions, would submit that in compliance with the order dated 30.12.2024 in W.P.No.36749 of 2024, the appellant herein failed to submit explanation to the Show Cause Notice dated 23.12.2024. Further, he would submit that respondent No.4 did not pass any Speaking Order.

5. Respondent No.5 had filed a writ petition *vide* W.P.No.25104 of 2025 to declare the action of the respondents therein, in not taking action against the appellant herein and not considering the representations dated 14.03.2024, 16.03.2024, 10.07.2024, 11.07.2024, 21.01.2025 and 14.02.2025, in compliance with the order dated 30.12.2024 in W.P.No.36749 of 2024, as illegal. *Vide* order dated 25.08.2025, this Court directed respondent No.4 to forthwith seal the unauthorized constructions made by respondent No.5 in the subject property in deviation to the sanctioned plan.

6. Perusal of the record would reveal that the appellant's mother Smt. P. Santoshamma obtained Building Permit Order on 02.12.2024 for construction of ground floor over the subject property. It is the

specific allegation of respondent Nos.2 to 4 that the appellant's mother died and thereafter, the appellant made construction of huge commercial shed in deviation to the said Building Permit Order dated 02.12.2024. Therefore, respondent No.4 issued the Show Cause Notice dated 23.12.2024. Despite granting 7 days time, the appellant herein failed to submit explanation in compliance with the order dated 30.12.2024 in W.P.No.36749 of 2024. Despite granting liberty to respondent No.4 to take action against the appellant herein if fails to submit explanation within one week, he was silent. He did not take any action and pass Speaking Order. Therefore, respondent No.5 has filed the aforesaid writ petition *vide* W.P.No.25104 of 2025. On consideration of the said aspects, *vide* order dated 25.08.2025, the learned Single Judge directed respondent No.4 to forthwith seal the unauthorized construction of the appellant herein.

7. Perusal of the record also would reveal that respondent No.4 has issued a Notice under Section 462 of the HMC Act, 1955 (for short, 'Act, 1955') dated 01/04.09.2025 stating that despite the aforesaid order dated 30.12.2024, the appellant herein failed to submit any explanation and therefore, respondent No.5 approached this Court by way of filing W.P.No.25104 of 2025. In compliance with the order dated 25.08.2025 in W.P.No.25104 of 2025,

respondent No.4 directed the appellant herein to vacate the unauthorizedly constructed commercial shed in respect of the subject property, i.e., Plot No.5/P, situated at Sy.No.18/5, Gautam Nagar, Upperpally, Ranga Reddy District, within 7 days from the date of receipt of the said Notice, for the purpose of implementation the aforesaid order passed by this Court. Thus, the aforesaid Notice issued under Section 462 of the Act, is contrary to the order passed by this Court dated 30.12.2024 in W.P.No.36749 of 2024.

8. It is apt to note that *vide* the aforesaid order dated 30.12.2024, this Court directed respondent No.4 to pass orders in accordance with law, if the appellant fails to submit explanation to the Show Cause Notice dated 23.12.2024 within one week from the said date. Respondent No.4 should have passed a Speaking Order and thereafter, he should have taken action against the appellant herein. He was silent. Therefore, respondent No.5 approached this Court by way of filing W.P.No.25104 of 2025. Therefore, the entire action of respondent No.4 in not taking any action pursuant to the Show Cause Notice dated 23.12.2024 against the appellant herein in compliance of the order dated 30.12.2024 in W.P.No.36749 of 2024, is illegal.

9. During the course of hearing, it is brought to the notice of this Court that the appellant herein had already filed a writ petition *vide*

W.P.No.27885 of 2025 challenging the Notice issued by respondent No.4 under Section 462 of the Act dated 01/04.09.2025. The said writ petition is pending. It is also brought to the notice of this Court that the appellant herein has already filed vacate application to vacate the order dated 25.08.2025. Therefore, the aforesaid facts, more particularly, the order dated 30.12.2024 in W.P.No.36749 of 2024 was not brought to the notice of the learned Single Judge while passing order dated 25.08.2025 in W.P.No.25104 of 2025.

10. It is also relevant to note that respondent No.5 is not a party to W.P.No.36749 of 2024. However, he sought a direction to respondent No.4 to comply with the order dated 30.12.2024 in W.P.No.36749 of 2024 by filing W.P.No.25104 of 2025. Respondent Nos.2 to 4 should have brought the aforesaid direction dated 30.12.2024 to the notice of learned Single Judge while passing order dated 25.08.2025 in W.P.No.25104 of 2025.

11. As discussed supra, due to inaction of respondent No.4 in not taking action against the appellant herein in compliance with the order dated 30.12.2024 in W.P.No.36749 of 2024, respondent No.5 approached this Court by filing W.P.No.25104 of 2025. Respondent No.4 created the entire problem.

12. In the light of the above, the present Writ Appeal is allowed by setting aside the order dated 25.08.2024 in W.P.No.25104 of 2025. Respondent No.4 is directed to forthwith unseal the subject property. Liberty is granted to the appellant as well as respondent Nos.4 and 5 to raise all the grounds and objections which they have raised here, in the aforesaid two writ petitions. Respondent No.4 shall pass Speaking Order, within a period of one (01) week from today in compliance with the order dated 30.12.2024 in W.P.No.36749 of 2024, and appraise the said fact to the learned Single Judge in the aforesaid two writ petitions.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Telangana Secretariat, Saifabad, Hyderabad, State of Telangana.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tankbund, Hyderabad.
3. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Charminar Zone, Hyderabad.
4. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle 11, Rajendra Nagar, Hyderabad..
5. The Section Officer, Writ Posting Section, High Court for the State of Telangana at Hyderabad.
6. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana at Hyderabad.
7. One CC to SRI S.MALLESWARA RAO, Advocate [OPUC]
8. One CC to SRI G.PURUSHOTHAM RAO, Advocate [OPUC]
9. One CC to SRI RAPARTHI VENKATESH, SC FOR CHMC [OPUC]
10. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
11. Two CD Copies

BSR
BS

CC TODAY

HIGH COURT

DATED: 10/10/2025

JUDGMENT

WA.No.1131 of 2025



ALLOWING THE WRIT APPEAL,
WITHOUT COSTS

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ASU
23/10/25