



2026:TSHC:9538

[3217]

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

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 32065 OF 2015

Between:

1. Shiv Kumar Agarwal, S/o Mangilal Agarwal, Aged about 56 years, Occ Business R/o H.No. 3-6-369/B/3/6, 1st Floor, Diamond House, Himayatnagar, Hyderabad- 500 029.
2. Sphinx Apartment Welfare Association, Represented by its Secretary, Mr. Duggal. 3-6-369/B/3, Street No. 1, Himayatnagar, Hyderabad

...PETITIONERS

AND

1. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road Hyderabad- 500029
2. Hyderabad District Collector and Magistrate, Collectorate Complex, Nampally Station Road, Hyderabad
3. Commissioner of Police, Basheerbagh, Hyderabad, Telangana,
4. Station House Officer, P.S. Narayanguda.
5. M/S Mann Catering Services LLP., A Partnership Firm, represented by Mr. Mithun Khaitan, Partner, s/o Nirmal Kumar Khaitan Aged about 38 years, O/o D.No. 3-6-369/B/3/5, Ground Floor, Diamond House, Himayatnagar, Hyderabad
6. Smt Vandana Agarwal, w/o Mr. Ravindra Agarwal, aged about 56 years. Occupation Business R/o H.No. 3-6-369/B/3/5, Hyderabad, Telangana 500 029
7. Fernandez Hospital Pvt. Ltd., Company incorporated under the Companies Act, 1956, Having its reg. office at 4-1-1229/1, Bogulkunta, Hyderabad- 500 001. Represented by Dr. Evita Fernandez, Managing Director.
8. State of Telangana Represented by its Principal Secretary, Home Department Secretariat, Hyderabad
9. State of Telangana Represented by its Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Hyderabad
10. Telangana State Disaster Response and Fire Services, Represented by the Director General of Fire Services BRKR BHAVAN, 1st Floor, Tank Bund, Near GHMC, Hyderabad – 500063.

...RESPONDENTS

R 8 & 9,10 are impleaded as per C.O. dated 18/12/2015 in WPMPs 42839/15, 53071/15 respectively.

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 writ, order or direction more particularly more in the nature of Writ of



Mandamus to declare the inaction of the Respondents 1 to 4 in not considering the fervent representations made by the Petitioner against the running of a massive commercial kitchen, illegally in a residential area at D.No.3-6-369/B/3/5, Ground Floor, Diamond House, Himayathnagar, and causing nuisance, air and noise pollution, severe health and safety hazards, resulting in the violation of the petitioners Right to life guaranteed under Article 21 of the Constitution of India and other residents in the immediate locality leading to health complications as illegal, arbitrary, against the provisions of the Hyderabad Municipal Corporation Act, 1955, and against the principles of natural justice and consequently to permanently close down the 5th respondent kitchen being operated from the said premises, i.e. D.No. 3-369/B/3/5, Ground Floor, Diamond House, Himayathnagar,

I.A. NO: 1 OF 2015(WPMP. NO: 41442 OF 2015)

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 respondents 1 to 4 to SUSPEND any further commercial kitchen activity by the 5th respondent in the said premises i.e., D.No.3-6- 369/B/3/5, Ground Floor, Diamond House, Himayathnagar, in consonance with the report vide Lr.No.Comp/TSPCB/RO-HYD/2015-533, Lr.No.11/PCB/ ROH/Hyd/Comp/2015-536 dt.,19.09.2015 against the 5th respondent kitchen, submitted by the Telangana State Pollution Control Board, pending disposal of the main Writ Petition

I.A. NO: 4 OF 2015(WPMP. NO: 53072 OF 2015)

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 permit the Petitioner to amend the main prayer in the above WP No. 32065 of 2015 as under: It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the lackadaisical attitude of the official respondents in not taking action against the 5th respondent in running a commercial kitchen illegally from the scheduled premises i.e., D.No. 3-6-369/B/3/5, Ground floor, Diamond House, Himayathnagar, bounded in the North by a Passage and Neighbour's residence,



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South by a passage of neighbouring building, on the East by a Garage and a Neighbouring Building and towards the West by a passage and Lilac studio, ("said premises") in a residential area, without the requisite provisional or permanent trade license as required under the Greater Hyderabad Municipal Corporation Act, 1955 from the 1st respondent, an Establishment license as required under the provisions of the Hyderabad City Police Act, 1348 F, by the 3rd respondent, and non-compliance of Andhra Pradesh Fire Service Act, 1999, by not taking a Fire safety License/No Objection Certificate thereby, causing nuisance, air and noise pollution, severe health and safety hazards, resulting in the violation of the Right to life guaranteed under Article 21 of the Petitioners leading to health complications, as illegal, arbitrary and violative of the principles of natural justice, the Greater Hyderabad Municipal Corporation Act 1955 and the Hyderabad City Police Act, 1348 F, Andhra Pradesh Fire Service Act, 1999, and consequently to permanently close down the 5th respondent kitchen being operated from the said premises, in consonance with the Telangana State Pollution Control Board's report and directions to the 1st and the 3rd respondents' vide Lr.No.Comp/TSPCB/RO-HYD/2015-533, Lr.No.11/PCB/ROH/Hyd/Comp/2015- 536 dt., 19.09.2015

Counsel for the Petitioner: SRI N. VISHNU VARDHAN REDDY REP

Ms. B. RACHNA

Counsel for the Respondent No.1: SRI G. MALLESHAM REP

SRI G. MADHUSUDAN REDDY, SC FOR GHMC

Counsel for the Respondent Nos. 3&4: SRI D. PADEEP, AGP FOR HOME

Counsel for the Respondents: SRI CHALLA GUNARANJAN

Counsel for the Respondent No.: SRI CHALLA KIRANMAYEE

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD****THE HONOURABLE SRI JUSTICE N.TUKARAMJI****WRIT PETITION No.32065 OF 2015****17th Feburary, 2026****Between:**

Shiv Kumar Agarwal and another.

...Petitioners**AND**The Commissioner,
Greater Hyderabad Municipal Corporation,
CC Complex, Tank Bund Raod,
Hyderabad and 6 Others.**...Respondents****ORDER:**

This Writ Petition is filed with the following relief:

“...to issue writ, order or direction more particularly more in the nature of Writ of Mandamus to declare the inaction of the Respondents 1 to 4 in not considering the fervent representations made by the Petitioner against the running of a massive commercial kitchen, illegally in a residential area at D.No.3-6-369/B/3/5, Ground Floor, Diamond House, Himayathnagar, and causing nuisance, air and noise pollution, severe health and safety hazards, resulting in the violation of the petitioners Right to life guaranteed under Article 21 of the Constitution of India and other residents in the immediate locality leading to health complications as illegal, arbitrary, against the provisions of the Hyderabad Municipal Corporation Act, 1955, and against the principles of natural justice and consequently to permanently close down the 5th respondent kitchen being operated from the said premises, i.e. D.No. 3-369/B/3/5, Ground Floor, Diamond House, Himayathnagar and pass.....”

2. Heard Mr.N.Vishnu Vardhan Reddy, learned counsel for the petitioners, Mr.G.Mallesham, learned counsel representing Mr.G.Madhusudhan Reddy, learned Standing Counsel for Greater



Hyderabad Municipal Corporation, for respondent No.1 and Mr.D.Pradeep, learned Assistant Government Pleader for Home appearing for respondent Nos.3 and 4.

3. Learned counsel for the petitioner submits that the cause of action in the present writ petition no longer survives for adjudication and, therefore, seeks dismissal of the writ petition as infructuous.

4. Recording the submissions of both learned counsel, the writ petition is dismissed as infructuous. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/- B. REKHA RANI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Ms. B. RACHNA Advocate [OPUC]
2. One CC to SRI. G. MADHUSUDAN REDDY , SC FOR GHMC [OPUC]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to SRI. CHALLA GUNARANJAN Advocate [OPUC]
5. One CC to SRI. CHALLA KIRANMAYEE, Advocate [OPUC]
6. Two CD Copies

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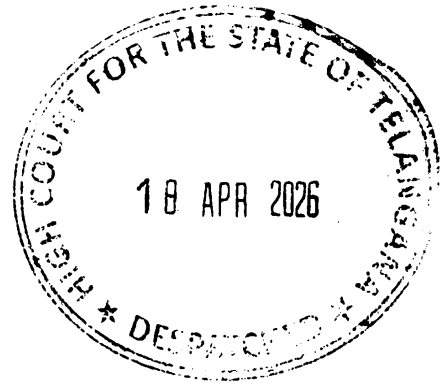
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HIGH COURT

DATED:17/02/2026



ORDER

WP.No.32065 of 2015

**DISMISSING THE WRIT PETITION AS INFRUCTOUS
WITHOUT COSTS**

(9) MC.

8/4/26.