

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

**FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WRIT PETITION NO: 31083 OF 2013

Between:

The Hanmakonda Field Association of the Telugu Baptist Churches,
Represented by its Field Secretary, Sri Manda Surender Babu

...PETITIONER

AND

1. The State of Andhra Pradesh,, rep by its Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat Buildings, Hyderabad.
2. Warangal Municipal Corporation, Warangal, Rep. by its Commissioner
3. The Property Committee of Field Association, of Telugu Baptist Churches, Rep. by its Chairman, Sri K.M.Luther Christian Colony, Hanamkonda, Warangal

...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 appropriate direction, order or writ more in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not taking action on the representations made by the petitioner in the matter of canceling the permission granted in favour of the 3rd respondent for the construction of Commercial Complex in the land belonging to the Mission Compound of Baptist Church, in Sy.No.1147 to 1150 in Hanumakonda, Warangal Dist., as being arbitrary, illegal and violating the provisions of Article 14 and 29 of the Constitution of India and consequently direct

the 2nd respondent to cancel the permission granted vide R.O.P.No.G4.973/2003 dated 22-07-2004 in favour of the 3rd respondent

I.A. NO: 1 OF 2013(WPMP. NO: 38600 OF 2013)

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 2nd respondent to forthwith pass appropriate orders on the representation made by the petitioner on 11-10-2013, pending disposal of the Writ Petition, in the interest of justice

Counsel for the Petitioner: M/S CHILLAW ADVOCATES AND LEGAL CONSULTANTS

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN AND URBAN DEVELOPMENT

**Counsel for the Respondent No.2: SRI PASHAM MOHITH
(SC WARANGAL MUNICIPAL CORP)**

Counsel for the Respondent No.3: SRI BOMMINENI VIVEKANANDA

The Court made the following: ORDER

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

THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WP.No.31083 of 2013

Dt. 24.04.2026

Between:

The Hanmakonda Field Association of the Telugu
Baptist Churches

.... Petitioner

and

The State of Andhra Pradesh, rep. by its
Principal Secretary, Department of
Municipal Administration & Urban
Development, Secretariat Buildings,
Hyderabad and two others.

...Respondents

ORDER

1. The present Writ Petition has been filed to declare the action of the 2nd respondent in not taking any action on the representations made by the petitioner in cancelling the permission granted in favour of the 3rd respondent for the construction of commercial complex in the land belonging to the Machine Compound of Baptist Church in survey No.1147 to 1150

in Hanumakonda, Warangal District, as arbitrary, illegal, and violative of Articles 14 and 21 of the Constitution of India and consequently direct the 2nd respondent to cancel the permission granted *vide* R.O.P.No.G4.973/2003, dt.22.07.2004, in favour of the 3rd respondent and to issue such other order or orders or direction as deemed fit and proper in the circumstances of the case.

2. The brief facts of the case are that the Samaveshan of Telugu Baptist Churches is having vast properties in the States of Andhra Pradesh (Telangana), Tamil Nadu, West Bengal and Nagaland, and the said properties are being looked after by the Property Association of Baptist Churches purporting to act in terms of the orders passed by the Madras High Court in C.P.Nos.109 and 110 of 1973, and for the purpose of administration, the organization is divided into fields, and one such field is the Field Association of Hanumakonda.

3. It is stated that an extent of Ac.8.00 guntas in Survey Nos.1147 to 1150 of Hanamkonda, known as Machine Compound, situated on the main road from Warangal to Kazipet, belongs to

the said organization, and it does not provide for any property association at the field level, however, certain persons styling themselves as Property Association of Hanumakonda Field have made an application to the 2nd respondent for permission to construct a commercial complex *vide* Application No.973/2003 in an extent of Ac.1.00 guntas, and thereafter entered into a development agreement with M/s. Orugallu Constructions and commenced construction.

4. It is further stated that the petitioners approached the Hon'ble High Court of Judicature at Madras, which initially granted injunction, and thereafter in Contempt Application Nos.89, 269, 441 and 444 to 459 of 2003, the persons who obtained permission were arrayed as respondents, and they have given an undertaking on 27.07.2004 that they will not interfere with the property, and the said contempt cases were finally disposed of on 02.08.2006 holding that all alienations such as sale, lease, gift or any other transactions are bad in law.

5. It is stated that the alleged possession of the 3rd respondent over the subject properties by virtue of development agreement with M/s. Orugallu Constructions is invalid and therefore the

permission granted by the 2nd respondent has no legal effect, and when these facts were brought to the notice of the District Collector, Warangal, he directed the District Revenue Officer, Warangal, to stop the construction by taking appropriate action.

6. It is further stated that despite the same, the 3rd respondent continued the construction, and filed O.S. No.17/2008 on the file of the III Additional District Judge, Warangal, which was dismissed on 26.02.2008, and thereafter the petitioners have been making representations to the 2nd respondent for cancellation of the permission granted to the 3rd respondent, but no action has been taken.

7. It is stated that though the 2nd respondent was aware of the orders passed by the Hon'ble High Court of Judicature at Madras as well as the Civil Court, and initially responded to the representations and assured cancellation, but, due to the pressure of vested interested persons, no steps were taken thereafter, and in a similar matter, the Hon'ble High Court in W.P. No.19150 of 2007 set aside the permission granted by the Municipal Corporation of Hyderabad, and therefore the petitioners requested the 2nd respondent to cancel the permission granted vide

R.O.P.No.G4.973/2003, dt.27.07.2004, but the 2nd respondent failed to take action in accordance with law.

8. Therefore, questioning the inaction of the respondents, particularly, of the 2nd respondent in not cancelling the permission and having failed to discharge their duty in spite of the orders of the competent Courts, the present writ petition is filed seeking cancellation of the permission granted in favour of the 3rd respondent for construction of a commercial complex in the land belonging to the Mission Compound of Baptist Church in Survey Nos.1147 to 1150.

9. ***Heard Sri Ramesh Chilla, learned counsel for the petitioner, Sri Pasham Mohith, learned Standing Counsel for respondent No.2 and Sri Bommineni Vivekananda, learned counsel for respondent No.3.***

10. Learned counsel appearing for the petitioner, reiterating the writ averments, would contend that the orders passed by the Hon'ble High Court of Madras is binding on the 2nd respondent, and the said authority being duty bound to give effect to the said orders, cannot act in disregard of the same, and thus, the 2nd respondent ought to have considered the representation

made by the petitioner and ought to have taken proper decision by duly examining the material placed and the orders of the competent Courts, and accordingly prayed to allow the present writ petition by cancelling the permission granted in favour of the 3rd respondent.

11. The learned Standing Counsel appearing for 2nd respondent, Sri Pasham Mohit, while denying the writ averments and placing reliance on the counter affidavit filed, contended that the petitioner relied upon the suits and proceedings, to which the respondent-Corporation is not a party, and there are no restraint orders against the respondent-Corporation in issuing permission to respondent No.3 herein. It is also stated that the building permission, which the petitioner herein seeks cancellation, by way of present Writ Petition, was issued on 22.07.2004 in favour of the 3rd respondent and the said construction was already completed way back in the year 2008 and the property was also assessed by giving house No.6-1-225/1,2,3,4 & 6 in the name of individuals. He further contended that after a period of 9 years from the date of issuance of the said building permission, the present writ petition is filed seeking cancellation of the said permission and

thus, no relief can be granted in the present writ petition, on this ground alone.

12. Sri Bommineni Vivekananda, learned counsel appearing for the 3rd respondent, placing reliance on the counter affidavit filed, contended stated that the writ petition has been filed challenging the permission granted in favour of the 3rd respondent in the land belonging to the Mission Compound of Baptist Church and the present writ petition is a vexatious litigation launched by the petitioner and is in no way concerned with the said property and the petitioner without there being a substantial proof or proper records, to establish its right over the said property, has filed the instant writ petition and thus the *locus* of the petitioner is also challenged.

13. It is further contended by the learned counsel that though it is stated by the petitioner that injunction has been granted by the Hon'ble High Court of Madras against the construction undertaken in the subject property, in fact, no such injunction is granted by the Hon'ble High Court at Madras and there are no subsisting injunction orders filed before this Court to substantiate

such claim and that the petitioner by making vague allegations that the 3rd respondent has no right over the property, has sought the cancellation of permission.

14. It is further contended that the subject permission was granted to the 3rd respondent way back in 2004 and the present writ petition has been filed in 2013, almost around 9 years later, by which time, the construction of the building was completed in all respects way back in the year 2008 and the same is also recorded by this Court in CMA.No.401 of 2007 wherein the Court at para 28, recorded that *"It is settled law that the court while disposing an application for grant of temporary injunction, should not go to the extent of deciding the main case of the parties but the order should be a speaking order, showing that the Court has taken a decision after applying its mind. While determining the question as to grant of injunction, the Court should refrain from giving a finding on merits of the case....."*, and at para 29, recorded that *"To sum up, ex facie the Madras High Court by virtue of orders, dated 03.05.1975, passed in Company Petition Nos.109 and 110 of 1974, upheld the execution of Exs.P6 and P7 in favour of PABC, which in turn executed Development Agreement-cum-GPA in favour*

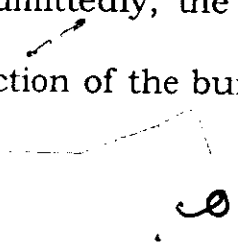
of the appellant. Equally, the amalgamation of ABFMS & PABC was sanctioned. It was categorically held that there was no violation of order of injunction in this regard. Importantly, the appellant has constructed three floors evident from 3 photographs marked as Ex.P5....."

15. It is further contended that the Hon'ble High Court by preliminary findings in the said appeal noted that the construction is completed till 3rd floor in the year 2007 and the petitioner has not been able to produce any document to show that the 3rd respondent is not authorized to construct a building in the said premises and thus, the 3rd respondent while denying other contentions in the writ affidavit, contended that the writ petition is not maintainable by the petitioner, as the petitioner having filed the instant writ petition, has not filed any supporting documents of title along with the orders of the High Courts and Civil Courts and thus, the writ petition is devoid of merit and is liable to be dismissed.

16. ***Having given earnest consideration to the submissions made by the learned counsel appearing for the respective parties, perused the material on record.***

17. Evidently, though the Writ Petition is filed challenging the building permission granted in favour of the 3rd respondent stating that despite the orders of the Hon'ble High Court of Madras, the said building permission has been granted and is therefore, liable to be cancelled, however, except a bare representation, dt.11.10.2013, the petitioner has not filed any documents to show that the petitioner has got right, title and interest over the said property, which is a *sine qua non* to maintain the present writ petition.

18. Further, the petitioner has chosen to file only the copy of the orders in Applications No.181 and 182 of 2006 on the file of Hon'ble High Court of Madras, wherein the petitioner was one Mr. D.Jayaraju and the 1st defendant is the Property Association of Baptist Church Pvt. Ltd., represented by its Executive Director Sri G.G.D. Divakar. When admittedly, the main grievance of the petitioner is against the sanction of the building permission to the



3rd respondent, the purport and relevance of the said orders to the subject matter, is not stated, nor any material is placed to establish a direct nexus between the said proceedings and the present *lis*, and in that view of the matter, the present writ petition filed by the petitioner is misconceived.

19. It is further observed that the petitioner has a grievance against the grant of permission in favour of the 3rd respondent, and if there are any violations of the orders passed by the Hon'ble High Court of Madras or any of the jurisdictional Courts, it is for the petitioner to approach the very same Courts which had granted such orders complaining of the alleged breach, by invoking appropriate proceedings in accordance with law. Moreso, the permission was granted in 2004 and completed in 2008 and almost 9 years thereafter, the present Writ Petition has been instituted.

20. The Hon'ble Supreme Court in ***State of M.P. v. Nandlal Jaiswal***¹ held that "*if there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily*

¹ (1986)4 SCC 566

explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction".

21. The aforesaid view is fortified by the Hon'ble Supreme Court in **City & Industrial Devt. Corp vs Dosu Aardeshir Bhiwandiwalla & Ors.**² wherein it was held as under:

"It is well settled and needs no restatement at our hands that under Article 226 of the Constitution, the jurisdiction of a High Court to issue appropriate writs particularly a writ of Mandamus is highly discretionary. The relief cannot be claimed as of right. One of the grounds for refusing relief is that the person approaching the High Court is guilty of unexplained delay and the laches. Inordinate delay in moving the court for a Writ is an adequate ground for refusing a Writ.

22. In view of the above, and further, as there are no documents to support the case of the petitioner, the present writ petition is not maintainable, more particularly, when it involves mixed questions of fact, which have to be determined by way of evidence, requiring adjudication on factual aspects which cannot be undertaken in proceedings under Article 226 of the Constitution of

² (2009) 1 SCC 168

India, and therefore, the petitioner ought to have approached the competent civil Court having jurisdiction for the relief claimed in the present writ petition. Thus, the Writ Petition is devoid of merits and is liable to be dismissed.

23. Accordingly, the present Writ Petition is dismissed. No order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

SD/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The State of Andhra Pradesh,, rep by its Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat Buildings, Hyderabad.
2. The Commissioner,, Warangal Municipal Corporation, Warangal.
3. The Property Committee of Field Association, of Telugu Baptist Churches, Rep. by its Chairman, Sri K.M.Luther Christian Colony, Hanamkonda, Warangal
4. One CC to M/s Chillaw Advocates And Legal Consultants, Advocate [OPUC]
5. One CC to Sri Pasham Mohith (SC WARANGAL MUNICIPAL CORP) Advocate [OPUC]
6. Two CCs to the GP for Municipal Administration and Urban Development , High Court for the State of Telangana, at Hyderabad[OUT]
7. One CC to Sri Bommineni Vivekananda, SC[OPUC]
8. Two CD Copies

TJ

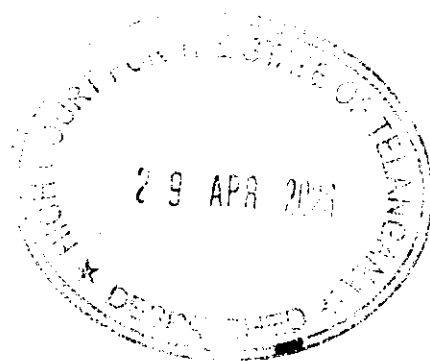
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HIGH COURT CC TODAY

DATED: 24/04/2026

ORDER

WP.No.31083 of 2013



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

⑪ MT
29/4/26