

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

**TUESDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 43011 OF 2015

Between:

Sahabzadi Jameelunnisa Begum, W/o. Mohd Asif, aged 52 years, Occ ; household, R/o. presently residing at USA and rep. by her GPA holder Sahibzada Mir Jahander Ali Khan S/o Late MirMoinuddin Ali Khan, age major R/o H.No.23 -1-561, East Charminar, Bibi Bazaar, Hyderabad.

.....PETITIONER

AND

1. State of Telangana, rep. by Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Hyderabad.
3. The Deputy Commissioner, Circle No. IV, Greater Hyderabad Municipal Corporation, Sardar Mahal, Hyderabad.
4. The Assistant City Planner, Circle No.IV, Greater Hyderabad Municipal Corporation, Sardar Mahal, Hyderabad.
5. Azra Ruman Mohommed, S/o Not known to the Petitioner, aged about 50 years, Occ Business, R/o H.No. 23-1-496/1, Bibi Bazar, Kotla Alijah, 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 Writ, order or direction particularly one in the nature of Writ of Mandamus declaring action of respondents 2 to 4 in allowing the illegal construction of 5 floors in H.No.23-1-496/1, Bibi Bazar, Kotla Alijah, Hyderabad, as illegal and arbitrary and violative of provisions of Grater Hyderabad Municipal Corporation Act.

I.A.NO:1 OF 2015 (WPMP.NO:55461 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 2 to 4 to remove and illegal constructions in H. No.23-1-496/1, Bibi Bazar, Kotla Alijah, Hyderabad, by considering the representations dated 7-11-2015 and 16-11-2015, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI SREENIVASA RAO VELIVELA

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

Counsel for the Respondent Nos.2 to 4: SRI RAPARTHI VENKATESH

Counsel for the Respondent No.5 : SRI M.A.K.MUKHEED

The Court made the following ORDER

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

THE HON'BLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.43011 of 2015

DATED: 16.12.2025

Between:

Sahabzadi Jameelunnisa Begum

... Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad and 4 others.

... Respondents

ORDER:

This writ petition is filed to declare the action of respondent Nos.2 to 4 in allowing the illegal construction of 5th floor of H.No.23-1-496/1, Bibi Bazar, Kotla Alijah, Hyderabad (hereinafter referred to as 'subject property'), as illegal, arbitrary and for consequential relief.

2. Heard Sri Sreenivasa Rao Velivela, learned counsel for the petitioner, Sri Raparathi Venkatesh, learned Standing Counsel for respondent No.2 and Sri M.A.K.Mukeed, learned counsel for respondent No.5.

3. Learned Counsel for the petitioner would submit that petitioner is the absolute owner and possessor of house bearing No.23-1-219/1,

situated at Bibi Bazar, Kotla Alijah, Hyderabad, having acquired the same under registered gift deed No.295 of 2002, dated 14.03.2002. The respondent No.5 who is the neighbor of the petitioner and owner of the subject property has commenced construction of building without obtaining permission and without leaving setbacks and making provision for windows and ventilators towards petitioners' house, due to which the air and light being enjoyed by the petitioner is affected; that petitioner made a representation dated 07.11.2015 to respondent Nos. 2 to 4, against the illegal construction of respondent No.5, but no action has been taken by the respondents. Aggrieved by the same, present writ petition is filed.

4. Learned Counsel for the petitioner further submitted that this Court *vide* Order dated 04.01.2016, restrained the respondent No.5 from raising further construction without sanctioned plan/in deviation to the sanctioned plan and further directed the respondent Nos.2 to 4 to ensure that respondent No.5 does not raise such construction. He further submitted that respondent Nos.2 to 4 did not take any action and as such, contempt in C.C.No.533 of 2016 was filed by the petitioner and the same was closed on 14.10.2016, taking into consideration, the statement made by the learned Standing Counsel for respondent Nos.2 to 4 that the entire illegal construction raised by respondent No.5 was demolished. He further submitted that counter has been filed by the respondent Nos.2 to 4 stating that

respondent No.5 has filed an application dated 30.01.2016 *vide* reference No.2000102693, for regularization of the unauthorized construction consisting G + 5 upper floors under BRS – 2015 in terms of G.O.Ms.No.152, dated 02.11.2015. Learned Counsel for petitioner further submitted that the contempt case filed by the petitioner was closed on the representation made by the learned Standing Counsel for respondent Nos.2 to 4 that entire construction was demolished, however, as per the counter filed by respondent Nos.2 to 4, it appears that again respondent No.5 has raised a building consisting of G + 5 upper floors, without any permission, therefore, prayed to pass appropriate Orders.

5. Learned Standing Counsel for respondent Nos.2 to 4 would submit that subsequent to filing of the writ petition, respondent No.5 had filed an application for regularization of the construction in terms of G.O.Ms.No.152 MA dated 02.11.2015 *vide* application No.2000102693, dated 30.01.2016 and the same is pending. He further submitted that as and when the BRS application of respondent No.5 is disposed of, the respondents-Corporation will take further course of action basing on the outcome of the BRS application of respondent No.5.

6. This Court has given its earnest consideration to the submissions made by learned counsel for both the parties and perused the entire material on record.

7. 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.

8. 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

9. 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.152 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."

10. 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.1236 of 2020.

11. It is appropriate to refer to the recent judgment of the Hon'ble Supreme Court in **Rajendra Kumar Barjatya 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., **K.Ramadas**

¹ 2024 SCC Online SC 3767

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. Satpa⁸, 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 pending appeals/revisions, as expeditiously as possible, in any event not later than 90 days as statutorily provided.

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

12. In the instant case, since the grievance of the petitioner remains unredressed due to the pendency of the BRS application of respondent No.5, in the light of the aforesaid order dated 28.04.2021 passed by a Division Bench of this Court in WP(PIL) No.63 of 2013 and its batch, as well as the directions issued by the Hon'ble Supreme Court in *Rajendra Kumar Barjatya's case* (cited supra), the respondent Nos.2 to 4 (GHMC) are directed to process the application *vide* application No.2000102693, dated 30.01.2016, submitted by respondent No.5 for regularization of unauthorized/illegal construction, and to pass appropriate orders in accordance with the 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. Subject to result of the BRS application filed by respondent No.5, the respondent Nos.2 to 4 are directed to take appropriate action to redress the petitioner's grievance strictly in accordance with law.

13. Subject to above directions and observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, State of Telangana at Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The Deputy Commissioner, Circle No.IV, Greater Hyderabad Municipal Corporation, Sardar Mahal, Hyderabad.
4. The Assistant City Planner, Circle No.IV, Greater Hyderabad Municipal

Corporation, Sardar Mahal, Hyderabad.

5. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to SRI SREENIVASA RAO VELIVELA, Advocate [OPUC]
7. One CC to SRI RAPARTHI VENKATESH, Advocate [OPUC]
8. One CC to SRI M.A.K.MUKHEED, Advocate (OPUC)
9. Two CD Copies

SA
TJ

Pw

HIGH COURT

DATED:16/12/2025

ORDER

WP.No.43011 of 2015



**DISPOSING OF THE W.P
WITHOUT COSTS.**

12 copies
Pr
31/08/2026