

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

**MONDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND**

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 67 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 01/12/2025 in W.P.No.20411 of 2025 on the file of the High Court.

Between:

1. Sri Kailas Srinivas, S/o. Sri Sudhakar, aged about 52 years Occ. business, R/o. Sri Ganesh Residency 1-5-1083/197/1, Mangapuram colony Phase-III, Old Alwal, Secunderabad - 500 010.
2. Sri Kailas Sridhar, S/o. Sri Sudhakar, aged about 45 years Occ. business, R/o 11-149, I.B. Area Post, mandal and district Mancherial.
3. Mahajan Kavitha, W/o. Sri Praphul Chander aged about 58 years, Occ. household R/ o.11-1-1853 / 1A, Maruthinagar Kanteshwar, Nizamabad district - 503 002.
4. Smt. Sheethal Mahajan, W/o. Sri Pradeep Desu, aged about 34 years Occ. household, R/o. Villa No.73, Cyprus Palms New Hafeezpet, Kondapur, Ranga Reddy district - 500084.

.....APPELLANTS

AND

1. The State of Telangana, represented by its principal secretary Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Hyderabad Metropolitan Development Authority, represented by its Metropolitan Commissioner Swarna Jayanti Complex, Sanjeeva Reddy Nagar Road Srinivasa Nagar, Ameerpet, Hyderabad - 500082.
3. The Director-I (Planning), Hyderabad Metropolitan Development Authority Swarna Jayanti Complex, Sanjeeva Reddy Nagar Road Srinivasa Nagar, Ameerpet, Hyderabad - 500082.
4. The Planning Officer, Hyderabad Metropolitan Development Authority Swarna Jayanti Complex, Sanjeeva Reddy Nagar Road Srinivasa Nagar, Ameerpet, Hyderabad - 500082.

.....RESPONDENTS

I.A.NO:1 OF 2026

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 order dt. 01.12.2025 passed in WP No. 20411 of 2025 pending disposal of the writ appeal.

I.A.NO:2 OF 2026

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 file the additional material papers in W.A.No.67 of 2026.

Counsel for Appellants : SRI P.V.G.UMESH CHANDRA

Counsel for Respondent No.1 : SRI G.BHASKAR, GP FOR MCPL ADMN AND URBAN DEVELOPMENT

Counsel for Respondent Nos.2 to 4 : SRI V.NARASIMHA GOUD, SC FOR HMDA

The Court made the following JUDGMENT : -

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

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.67 of 2026

DATED: 16.03.2026

Between:

Sri Kailas Srinivas, S/o. Sri Sudhakar & 3 others

... Appellants

AND

The State of Telangana,
Represented by its Principal Secretary,
Municipal Administration & Urban Development
Department, Secretariat, Hyderabad & 3 others

... Respondents

JUDGMENT:

Heard Ms. K.Madhavi, learned counsel representing Mr. Umesh Chandra P.V.G., learned counsel appearing for the appellants, Mr. G.Bhaskar, learned Government Pleader for Municipal Administration & Urban Development Department appearing for respondent No.1 and Mr. V.Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA) appearing for respondent Nos.2 to 4.

2. Reference is made to the interim order dated 19.02.2026 passed by this Court which encapsulates the issue raised in this appeal. The relevant extract thereof is quoted hereunder:

“The appeal is on a question whether appellants are covered under Rule 10(4) of the Telangana State Building Permission Approval and Self-Certification System (TSbPASS) Rules, 2020 issued in G.O.Ms.No.201, Municipal Administration and Urban Development (Plg.III) Department dated 16.11.2020, which requires the applicant to mortgage 10% of total built-up area in any floor (other than parking floor) to the Municipality by way of a registered deed as prescribed, before release of permission. The mortgage will be released after issue of occupancy certificate.

On the other hand, the plea of the appellants is that they are covered under G.O.Ms.No.168 dated 07.04.2012 which is called the Andhra Pradesh Building Rules, 2012 framed under the Greater Hyderabad Municipal Corporation Act, 1955, which requires submission of notarised affidavit for 10% of the built-up area in ground floor or 1st floor or 2nd floor to the sanctioning authority. Appellants insist that they have submitted the undertaking by way of a notarised affidavit but the authority has insisted upon submission of Mortgage Deed in terms of G.O.Ms.No.201 dated 16.11.2020.

This Court has been taken to documents like Payment Receipt dated 21.05.2025 at Page 21, Payment Receipt dated 17.10.2024 at Page 23 and Fee Intimation Letter dated 13.06.2025 at Page 24. Fee Intimation issued in favour of the appellants refers to other Department charges i.e., TG-bPASS User Charges to be deposited and certain other conditions to be complied with by the applicant. However, it transpires that the building application has not been annexed to the Memo of Appeal and perhaps was not part of the writ affidavit also. The whole issue is being argued without the foundational document on record.”

3. By I.A.No.2 of 2026, appellants have brought on record the application for obtaining building permission. It is submitted that the application has been made in the Build Now format. A perusal of the format would show that G.O.Ms.No.168 dated 07.04.2012 would apply whereunder only a notarised affidavit for 10% of the built-up area in ground floor or first floor or second floor is required to be submitted by the applicant to the sanctioning authority. Therefore, the insistence of the respondents for submission of a Mortgage Deed

of 10% of the total built-up area in any floor (other than the parking floor) to the Municipality before release of permission in terms of G.O.Ms.No.201 dated 16.11.2020 is not proper.

4. On the part of the respondents-HMDA, reference is made to the provisions of Telangana Municipalities Act, 2019 notified on 09.10.2019. Learned Standing Counsel for HMDA also refers to the Telangana State Building Permission Approval and Self-Certification System (TS-bPASS) Act, 2020 (hereinafter referred to as 'the TS-bPASS Act') notified on 19.09.2020. He has referred to Section 1(28) i.e., Single Window System and Section 24 which is the saving clause, of the TS-bPASS Act.

5. Section 24 of the TS-bPASS Act reads as under:

"24. (1) Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

(2) The provisions of this Act will supersede the relevant provisions of Greater Hyderabad Municipal Corporation Act and Hyderabad Metropolitan Development Authority Act relating to building permissions and enforcement."

6. Learned Standing Counsel for HMDA has also drawn the attention of this Court to G.O.Ms.No.201 dated 16.11.2020 issued under the Telangana Municipalities Act, 2019 and the TS-bPASS Act. As per the Telangana State Building Permission Approval and Self-Certification System (TS-bPASS) Rules, 2020 (hereinafter referred to as 'the TS-bPASS Rules'), the case of the appellants would fall under Rule 10 of the TS-bPASS Rules as the height of the

proposed building is above 7 meters and the plot area is above 200 square meters. It is submitted that the reliance of the appellants upon G.O.Ms.No.168 dated 07.04.2012 is misplaced in view of the saving clause contained in Section 24 of the TS-bPASS Act and the payment received on the application made under Build Now by the appellants i.e., under the TS-bPASS Act. Therefore, the appellants did not oppose the legal position before the writ Court as to the applicability of G.O.Ms.No.201 dated 16.11.2020 to the building application made under Build Now Portal and requirement of executing Mortgage Deed as per Rule 11 of the TS-bPASS Rules issued in G.O.Ms.No.201 dated 16.11.2020.

7. We have heard learned counsel for the parties and taken note of the materials relevant for consideration of the issue involved herein.
8. The present appeal requires consideration on the question posed in the opening paragraph of the order as to whether the case of the appellants are covered under Rule 10(4) of the TS-bPASS Rules issued in G.O.Ms.No.201 dated 16.11.2020 or G.O.Ms.No.168 dated 07.04.2012 called the Andhra Pradesh Building Rules, 2012.
9. After hearing learned counsel for the parties and after going through the relevant provisions of the TS-bPASS Act, specifically Section 24 thereof and in view of the enactment of the TS-bPASS Rules, which require an application to be processed by Single Window System in cases where the plot size is 200

square meters and the height of the building is proposed to be above 7 meters, the rule require the applicant to submit Mortgage Deed of 10% of the total built-up area in any floor (other than the parking floor) to the Municipality before release of permission. In case the relevant provision under G.O.Ms.No.168 dated 07.04.2012 is inconsistent to the TS-bPASS Rules framed under the TS-bPASS Act, the relevant provisions of G.O.Ms.No.201 dated 16.11.2020 would prevail. The argument to the contrary on behalf of the appellants therefore does not merit acceptance. A perusal of the impugned order also shows that the appellants had not rebutted the applicability of G.O.Ms.No.201 dated 16.11.2020 to the building application made by them and requirement of executing Mortgage Deed as per Rule 11 of the TS-bPASS Rules issued in G.O.Ms.No.201 dated 16.11.2020. We, therefore, do not find any grounds made out to interfere in the impugned order.

10. Accordingly, the present Writ Appeal is dismissed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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SD/-A.V.S. PRASAD
DEPUTY REGISTRAR

SECTION OFFICER

To

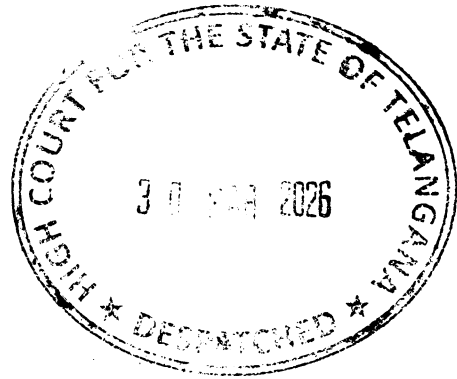
1. Two CCs to GP FOR MCPL ADMN AND URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI P.V.G.UMESH CHANDRA, Advocate [OPUC]
3. One CC to SRI V.NARASIMHA GOUD, SC FOR HMDA, Advocate [OPUC]
4. Two CD Copies

SA
BS

Jks

HIGH COURT

DATED:16/03/2026



JUDGMENT

WA.No.67 of 2026

**DISMISSING THE W.A
WITHOUT COSTS.**

(7) - JKS
30/3/26