[3446]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NOs: 834 OF 2022, 270 of 2023 and WRIT PETITION No.36324 of 2021

WRIT APPEAL NO: 834 OF 2022

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order Dated 30/11/2022 Passed in W.P.No.36909 of 2021 on the file of the High Court.

Between:

1. Paluri Ravi Shankar, S/o. Late P.V. Krishna Rao, Aged. 53 years, Occ. Business, R/o. Flat No. 1403, Janapriya Apartments, Balapur X Roads, Meerpet, Hyderabad-79.
2. Yatam Murali, S/o. Y.Yadaiah, Aged about 45 years, Occ. Agriculture, R/o. Mamidipally Village, Saroornagar Mandal, Ranga Reddy District, State of Telangana.

...APPELLANTS/PROPOSED RES.No.6 & 7 in WP.No.36909/2021

AND

1. The Sub-Registrar, Maheshwaram, Ranga Reddy District, Telangana.
2. The District Registrar, Ranga Reddy District, Telangana at Hyderabad.
3. The State of Telangana, rep. by its Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
4. The Hyderabad Metropolitan Development Authority, (HMDA), Rep. by its Commissioner, Ameerpet, Hyderabad.
5. The State of Telangana, rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.

...Respondents/Respondent No.1 to 5 in WP.No.36909/2021

6. M/s. Ramky Integrated Township Limited, (Special Purpose Vehicle), Rep. by its Director, Taraka Rajesh Dasari, S/o. D.V. Ramana Rao, Aged about 39 years, 9th Floor, Ramky Grandiose, Ramky Towers, Gachibowli, Hyderabad.
7. M/s. Ramky Infrastructure Limited, rep.by its Authorized Signatory, Taraka Rajesh Dasari S/o.D.V.Ramana Rao, Aged about 39 years, 15th floor, Ramky Gandiose, Ramky towers, Gachibowli, Hyderabad.

8. M/s. Ramky Estares and Farms Limited, rep.by its Director, Taraka Rajesh Dasari S/o.D.V.Ramana Rao, Aged about 39 years, 9th floor, Ramky Gandiose, Ramky Towers, Gachibowli, Hyderabad.

...RESPONDENTS/PETITIONERS No.1 to 3 in WP.No.36909/2021

IA NO: 3 OF 2022

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 stay all further proceedings pursuant to the orders passed in WP.No.36909 of 2021 dt.30.11.2022 pending disposal of the above writ appeal.

IA NO: 4 OF 2024

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 me to delete writ petition numbers i.e., WP.No.36324 of 2021, WP.No.24184 of 2023, since the said writ petitions are no way concern to the above Writ appeal and the reliefs are not same in connection with the claiming of the lands in question. The subject of those writ petitions is only for non-registering of the sale deed and also cancellation of the development agreement by the HUDA by issuing show cause notice, without any direction the said matters are not tagged with the above writ petition, since the appellant counsel is not agreed to post the said matters in the above writ appeal which is going to be listed on 04.07.2024.

IA NO: 6 OF 2024

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 documents as per the list of material papers annexed here with in the above Writ Appeal No.834 of 2022, in the interest of justice.

IA NO: 8 OF 2024

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 Review of the orders passed in I.A.No.04 of 2024 in W.A.No.834 of 2022, dated 29/10/2024, in the interest of justice.

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 permit me to delete the above WP. no 9805 of 2023 not to the cumulative absence any direction by this Honble Court the said matters to be detagged with the above WA.no 834 of 22 , since the appellant counsel is not agreed to post the aid matters in the above writ appeal which is going to be listed on 05.02.2025.

IA NO: 5 OF 2024

Between:

1. M/s. Ramky Integrated Township Limited, (Special Purpose Vehicle), Rep. by its Authorized Signatory, T.Vamshi Krishna, S/o. Sri T.Sathyanarayana, Aged about 36 years, 9th Floor, Ramky Grandiose, Gachibowli, Hyderabad.
2. M/s. Ramky Infrastructure Limited, rep.by its Authorized Signatory, T.Vamshi Krishna, S/o. Sri T.Sathyanarayana, Aged about 36 years, 9th Floor, Ramky Grandiose, Gachibowli, Hyderabad
3. M/s. Ramky Estares and Farms Limited, rep.by its Authorized Signatory, T.Vamshi Krishna, S/o. Sri T.Sathyanarayana, Aged about 36 years, 9th Floor, Ramky Grandiose, Gachibowli, Hyderabad

...PETITIONERS/RESPONDENTS

AND

1. Paluri Ravi Shankar, S/o. Late P.V. Krishna Rao, Aged. 53 years, Occ. Business, R/o. Flat No. 1403, Janapriya Apartments, Balapur X Roads, Meerpet, Hyderabad-79.
2. Yatam Murali, S/o. Y.Yadaiah, Aged about 45 years, Occ. Agriculture, R/o. Mamidipally Village, Saroornagar Mandal, Ranga Reddy District, State of Telangana.
3. The Sub-Registrar, Maheshwaram, Ranga Reddy District, Telangana.
4. The District Registrar, Ranga Reddy District, Telangana at Hyderabad.
5. The State of Telangana, rep. by its Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.

6. The Hyderabad Metropolitan Development Authority, (HMDA), Rep. by its Commissioner, Ameerpet, Hyderabad.
7. The State of Telangana, rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.

...RESPONDENTS

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 vacate the interim order dated 10.01.2023.

Counsel for the Appellants: SRI SHERI PRASAD

Counsel for the Respondent No.1 to 3: GP FOR STAMPS AND REGISTRATION

Counsel for the Respondent No.4: SRI A.SUDARSHAN REDDY, ADVOCATE GENERAL REP. FOR SMT D.MADHAVI, SC FOR HMDA

Counsel for the Respondent No.5: GP FOR MCPL ADMN & URBAN DEV

Counsel for the Respondent No.6 to 8: SRI K.PRITHVI REDDY

WRIT APPEAL NO: 270 OF 2023

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 30/11/2022 in W P No 36909 of 2021 and pass on the file of the High Court.

Between:

The Hyderabad Metropolitan Development Authority (HMDA), rep. by its Commissioner Ameerpet, Hyderabad.

...APPELLANT

AND

1. M/s Ramky Integrated Township Limited, (Special Purpose Vehicle) rep. by its Director Taraka Rajesh Dasari s/o D.V. Ramana Rao Aged about 40 years, 9th Floor, Ramky Grandiose, Ramky Towers, Gachibowli, Hyd.
2. M/s Ramky Infrastructure Limited, rep. by its Authorized Signatory, Taraka Rajesh Dasari s/o D.V. Ramana Rao, aged about 40 years, 9th Floor, Ramky Grandiose, Ramky Towers, Gachibowli, Hyd
3. M/s Ramky Estates and Farms Limited, rep. by its Director, Taraka Rajesh Dasari s/o D.V. Ramana Rao, aged about 40 years, 9th Floor, Ramky, Grandiose, Ramky Towers, Gachibowli, Hyderabad.
4. The Sub-Registrar, Maheshwaram, R.R.District, Telangana
5. The District Registrar, Ranga Reddy District, Telangana at Hyderabad.

6. The State of Telangana, rep. by its Secretary, Revenue (Stamps and Registration) Department Secretariat, Hyderabad.
7. The State of Telangana, rep. by its Secretary, Municipal Administration and urban Development Department, Secretariat, Hyderabad

...RESPONDENTS

IA NO: 2 OF 2023

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 dt. 30/11/2022 passed in W.P.No.36909 of 2021, pending disposal of the main Writ Appeal.

IA NO: 2 OF 2024

Between:

1. M/s. Ramky Integrated Township Limited, (Special Purpose Vehicle), Rep. by its Authorized Signatory, T.Vamshi Krishna, S/o. Sri T.Sathyanarayana, Aged about 36 years, 9th Floor, Ramky Grandiose, Gachibowli, Hyderabad.
2. M/s. Ramky Infrastructure Limited, rep.by its Authorized Signatory, T.Vamshi Krishna, S/o. Sri T.Sathyanarayana, Aged about 36 years, 9th Floor, Ramky Grandiose, Gachibowli, Hyderabad
3. M/s. Ramky Estares and Farms Limited, rep.by its Authorized Signatory, T.Vamshi Krishna, S/o. Sri T.Sathyanarayana, Aged about 36 years, 9th Floor, Ramky Grandiose, Gachibowli, Hyderabad

...APPELLANT

AND

1 The Hyderabad Metropolitan Development Authority (HMDA), rep. by its Commissioner Ameerpet, Hyderabad.

2 The Sub-Registrar, Maheshwaram, R.R.District, Telangana

3 The District Registrar, Ranga Reddy District, Telangana at Hyderabad.

4 The State of Telangana, rep. by its Secretary, Revenue (Stamps and Registration) Department Secretariat, Hyderabad.

5 The State of Telangana, rep. by its Secretary, Municipal Administration and urban Development Department, Secretariat, Hyderabad

...RESPONDENTS

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 vacate the interim order dated 06.03.2023.

Counsel for the Appellant: SRI A.SUDARSHAN REDDY, ADVOCATE GENERAL REP. FOR SMT D.MADHAVI, SC FOR HMDA

Counsel for the Respondent No.1 to 3: SRI S.NIRANJAN REDDY, Sr. COUNSEL, REP. FOR SRI RUSHEEK REDDY.K.V.

Counsel for the Respondent No.4 to 6: GP FOR STAMPS & REGISTRATIONS

Counsel for the Respondent No.7: GP FOR MCPL ADMN & URBAN DEV.

WRIT PETITION NO: 36324 OF 2021

Between:

1. M/s. Ramky Integrated Township Limited., (Special Purpose Vehicle), Represented by its Director, Mr. Taraka Rajesh Dasari. S/o. D.V Ramana Rao, Aged about 38 Years, O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.
2. M/s. Ramky Infrastructure Limited., Represented by its Authorized Signatory, Mr. Taraka Rajesh Dasari S/o. D.V Ramana Rao, Aged about 38 Years. O/o. 15th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.
3. M/s. Ramky Estates and Farms Limited., Represented by its Director Mr. Taraka Rajesh Dasari, S/o. D.V Ramana Rao, Aged about 38 Years, O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.

...PETITIONERS

AND

1. The Hyderabad Metropolitan Development Authority (HMDA), Represented by its Commissioner. Swarna Jayanti Complex, Sanjeeva Reddy Nagar Rd. Srinivasa Nagar, Ameerpet, Hyderabad. Telangana. 500038
2. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, 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 an appropriate Writ. Order or direction, one more particularly in the nature of -Writ of Mandamus declaring, the action of the 1st Respondent contained in in Lr.No.01/Discovery City/HMDA/2021, dated 30.08.2021 in unilaterally deciding that the Petitioners have committed a breach of contract of the Development Agreement dated 28.01.2008 as regards the project by name Discovery City - Srinagar Village, Maheshwaram Mandal, Ranga Reddy District is arbitrary and illegal and consequently set aside the said Notice and direct the 1st Respondent to abide by the dispute resolution mechanism (arbitration remedy) contained in Article 28 of the Development Agreement and await the

award which may be passed by the Arbitral Tribunal by setting aside the notice of the 1st Respondent dated 30.08.2021.

IA NO: 1 OF 2021

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 1st Respondent not to take any coercive action including stopping of registrations or any other coercive action of whatsoever nature against the Petitioners in connection with the Development Agreement dated 28.01.2008 relating to the Township Project i.e., Discovery City at Srinagar, Maheshwaram Mandal, Ranga Reddy District pursuant to Notice dated 30.08.2021 pending disposal of the above writ petition.

IA NO: 1 OF 2022

Between:

Yatam Murali, S/o. Y.Yadaiah, aged about 44 years, Occ: Agriculture, R/o. Mamidipally Village, Saroornagar Mandal, Ranga Reddy District, State of Telangana.

...PETITIONER

AND

1 M/s. Ramky Integrated Township Limited., (Special Purpose Vehicle), Represented by its Director, Mr. Taraka Rajesh Dasari. S/o. D.V Ramana Rao, Aged about 38 Years, O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.

2 M/s. Ramky Infrastructure Limited., Represented by its Authorized Signatory, Mr. Taraka Rajesh Dasari S/o. D.V Ramana Rao, Aged about 38 Years. O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.

3 M/s. Ramky Estates and Farms Limited., Represented by its Director Mr. Taraka Rajesh Dasari, S/o. D.V Ramana Rao, Aged about 38 Years, O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.

4 The Hyderabad Metropolitan Development Authority (HMDA), Represented by its Commissioner. Swarna Jayanti Complex, Sanjeeva Reddy Nagar Rd. Srinivasa Nagar, Ameerpet, Hyderabad. Telangana. 500038

5 The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.

...RESPONDENTS

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

pass orders impleading the petitioner/ proposed respondent No. 3 herein as party respondent No.3 in W.P.No.36324 of 2021.

IA NO: 1 OF 2024

Between:

1. V.Narasimham, S/o. Jagannadha rao, aged about 60 years, Occ: Business, R/o. H.NO.39-8-79/3, Murali Nagar, Visakhapatnam, A.P.
2. Dr. V.Lakshmi, W/o. Dr. J.P.Rao, aged about 65 years, Occ: Doctor, R/o. H.NO.39-5-35/2, Murali Nagar, Visakhapatnam, A.P.
3. V.Shobha, W/o. V.Narasimham, aged about 56 years, Occ: Housewife, R/o. H.NO.39-8-79/3, Murali Nagar, Visakhapatnam, A.P.
4. Smt. B.Subhadra, W/o. B.R.Rajyam, aged about 61 years, Occ: Housewife, R/o. H.NO.1-2/56, 57 & 58, Varanasi Building, Gaganmahal Road, DOmalguda, Hyderabad.
5. Smt V.Kameswari, W/o. Mohan, aged about 63 years, Occ: Doctor, R/o. H.NO.123, Mamaroneck, A.V. Avenue, The Ragatta, Unit No.109, New York,

   All are rep. by their GPA Holder, Sri D.Narasimha Reddy, S/o. D.Venkat reddy, aged about 53 years, Occ: Business, R/o. H.NO.17-1-382/33, Press Colony, Champapet, Hyderabad.

...PROPOSED PETITIONERS

AND

1. M/s. Ramky Integrated Township Limited., (Special Purpose Vehicle), Represented by its Director, Mr. Taraka Rajesh Dasari. S/o. D.V Ramana Rao, Aged about 38 Years, O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.
2. M/s. Ramky Infrastructure Limited., Represented by its Authorized Signatory, Mr. Taraka Rajesh Dasari S/o. D.V Ramana Rao, Aged about 38 Years. O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.
3. M/s. Ramky Estates and Farms Limited., Represented by its Director Mr. Taraka Rajesh Dasari, S/o. D.V Ramana Rao, Aged about 38 Years, O/o. 9th Floor, Ramky Gandiose, Ramky Tower, Gachibowli, Hyderabad -500032.
4. The Hyderabad Metropolitan Development Authority (HMDA), Represented by its Commissioner. Swarna Jayanti Complex, Sanjeeva Reddy Nagar Rd. Srinivasa Nagar, Ameerpet, Hyderabad. Telangana. 500038
5. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Section 16-A r/w 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the proposed petitioners No.1 to 5 as petitioners No.4 to 8 in the above writ petition.

Counsel for the Petitioners: SRI A.VENKATESH, Sr. COUNSEL, REP. FOR SRI K.PRITHVI REDDY

Counsel for the Pro. Petitioners: SRI RAPOLU BHASKAR

Counsel for the Respondent No.1: SRI A.SUDARSHAN REDDY, ADVOCATE GENERAL REP. FOR SMT D.MADHAVI, SC FOR HMDA

Counsel for the Respondent No.2: GP FOR MCPL ADMN & URBAN DEV

Counsel for the Pro. Respondent: SRI ASHOK KUMAR KOTAGIRI

The Court delivered the following: COMMON JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT JUSTICE RENUKA YARA

WRIT APPEAL Nos.834 of 2022, 270 of 2023 and WRIT PETITION No.36324 of 2021

COMMON JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Sheri Prasad, learned counsel appearing for the appellants in W.A.No.834 of 2022, Sri A.Sudarshan Reddy, learned Advocate General for the State of Telangana, appearing for Ms.D.Madhavi, learned Standing Counsel for Hyderabad Metropolitan Development Authority, appearing for the appellant in W.A.No.270 of 2023, respondent No.4 in W.A.No.834 of 2022 and respondent No.1 in WP.No.36324 of 2021, Sri S.Niranjan Reddy, learned Senior Counsel appearing for Sri Rusheek Reddy K.V., learned counsel appearing for respondent Nos.1 to 3 in W.A.No.270 of 2023 and Sri A.Venkatesh, learned Senior Counsel appearing for Sri K.Prithvi Reddy, learned counsel appearing for the petitioners in W.P.No.36324 of 2021.

2. On the joint request, the matters being connected analogously heard and decided by this common order.

3. W.A.No.270 of 2023 and W.A.No.834 of 2022 assail the common order of learned Single Judge passed in I.A.Nos.1 and 2 of 2022 in/and WP.No.36909 of 2021 on 30.11.2022.

4. W.A.No.270 of 2023 is filed by the Hyderabad Metropolitan Development Authority (H.M.D.A.) by contending that the learned Single Judge was not justified in allowing W.P.No.36909 of 2021.

5. W.A.No.834 of 2022 is filed by those appellants, who filed implead petitions viz.,I.A.Nos.1 and 2 of 2022 before the learned Single Judge and the learned Single Judge in para No.17 of the impugned order permitted them to avail other remedy available to them, while dismissing the I.As.

Factual back ground:

6. The admitted facts before the Writ Court were that the H.M.D.A and respondent Nos.1 to 3 in W.A.No.270 of 2023 entered into a 'Development Agreement' on 28.01.2008. As per this agreement, respondent Nos.1 to 3 were required to pay "Development Premium amount" in certain stages. The relevant portion of the Development Agreement reads thus:

Sl.No.	Payment Milestone	Amount in Rs.Crores
1.	Simultaneous with signing of Development Agreement.	25.0
2.	Within one (1) calendar month from the Developer receiving written approvals from HUDA for this DPR	25.0
3.	Within one (1) calendar month from the Developer achieving the Financial Closure for the Project.	25.0

4.	Within one (1) calendar month from the Zero Date.	25.0

7. Indisputedly, respondent Nos.1 to 3 only paid first stage amount of Rs.25.00 crores to H.M.D.A. and did not make the payment of remaining three installments in total Rs.75 crores.

8. The H.M.D.A. by communication dated 05.11.2021 requested the Commissioner and Inspector General of Stamps and Registration Department, Hyderabad, to take appropriate action to save the Government money. In this communication, it was also informed that the contract of respondent Nos.1 to 3 stood terminated by notice dated 30.08.2021.

9. Upon receiving the aforesaid communication from H.M.D.A., the office of Commissioner and Inspector General of Registration and Stamps, Hyderabad by communication dated 09.11.2021 informed the District Registrar, Ranga Reddy District, to take necessary action for protecting the government interest in properties. The communication dated 30.08.2021 became subject matter of the challenge before the Writ Court.

10. The sheet-anchor of the argument of learned counsel for the petitioner before the Writ Court was that the only enabling provision under **The Indian Registration**

Act, 1908 (for short "the Act") is Section 22-A which deals with prohibition of registration of certain documents. The reason on the strength of which the impugned order was passed does not fall within the ambit of Section 22-A.

11. The learned Single Judge allowed the writ petition for the reason that communication of H.M.D.A. dated 05.11.2021 became foundation for not registering the properties is outside the ambit and scope of Section 22-A of the Act. Aggrieved, W.A.No.270 of 2023 is filed by H.M.D.A.

12. Learned Senior Counsel appearing for respondent Nos.1 to 3 in W.A.No.270 of 2023 at the outset submits that respondent Nos.1 to 3 are ready to pay remaining Rs.75 crores within thirty days from today and a written undertaking is provided to the Court to that effect and a copy of cheque No.240483, dated 04.04.2025, for the said amount is also enclosed therewith.

13. Learned Advocate General fairly submits that only short coming of non-payment of Rs.75 crores which became reason for non-registration is now over and therefore, he has no objection if the impugned order of the learned Single Judge is not interfered with and secondly, the cancellation of contract

which became the subject matter of challenge in WP.No.36324 of 2021 can be interfered with.

14. Learned counsel for the appellant in W.A.No.834 of 2022 submits that the question of title and other civil disputes are involved and therefore, the order of learned Single Judge is not correct whereby he did not allow the implead petitions and instead permitted the present appellants to avail other remedies.

15. No other point is pressed by the parties.

16. We have heard the parties.

17. So far W.A.No.834 of 2022 is concerned, it is arising out of para No.17 of the impugned order of learned Single Judge, whereby his applications for impleadment was not entertained.

18. It is noteworthy that *lis* before the learned Single Judge was limited to the singular question whether for non-payment of Rs.75 crores and on the strength of communication dated 05.11.2021 of H.M.D.A., the Inspector General of Registration was justified in issuing the communication dated 09.11.2021 and whether such

communication can be reason to invoke power under Section 22-A of the Act.

19. The question of title and other civil disputes etc., were not the subject matter of writ petition. Therefore, the learned Single Judge has not allowed the implead applications and permitted the implead petitioners to avail other remedy available to them under the Law. No fault can be found in the impugned order of the learned Single Judge. In other words, in view of the Constitution Bench judgment of the Supreme Court in **Moninder Singh Gill** v. **Chief Election Commissioner**[1], the validity of an order or an action must be judged on the basis of the reasons mentioned therein. The same cannot be improved by filing a counter affidavit in the Court. Admittedly, before the learned Single Judge, the singular reason for not undertaking the exercise of registration was non-payment of Rs.75 crores by respondent Nos.1 to 3 and the communication of the H.M.D.A. dated 05.11.2021, which became the singular reason for issuance of impugned communication dated 09.11.2021. The *lis* before the learned Single Judge was not related to any title/civil dispute. Hence, the learned Single Judge has confined

[1] (1978) 1 SCC 405

himself to the question of non-registration and permitted the appellants to avail remedies available to them.

20. As noticed above, the offer and undertaking of paying Rs.75 crores by respondent Nos.1 to 3 is duly accepted by the H.M.D.A. Thus, as agreed, the singular reason for non-registration does not survive and therefore, inaction of registration was rightly interfered with.

21. In W.P.No.36324 of 2021, the cancellation of the contract is subject matter of challenge and admittedly, singular reason for such cancellation was also non-payment of Rs.75 crores. In view of the aforesaid undertaking and upon showing satisfaction by the learned Advocate General appearing for H.M.D.A., as agreed we deem it proper to set aside the impugned notice dated 30.08.2021 in W.P.No.36324 of 2021.

22. In view of the forgoing discussion, the Writ Appeal Nos.270 of 2023 and 834 of 2022 are **dismissed.** The question regarding the ambit and scope of Section 22-A of the Act will remain open to be decided in an appropriate case. However, it is made clear that the appellants in W.A.No.834 of 2022 can avail all the possible remedies available to them regarding grievances highlighted before

the Writ Petition. The Writ Petition No.36342 of 2021 is **allowed** and the impugned notice dated 30.08.2021 is set side. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/- K.SHYLESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

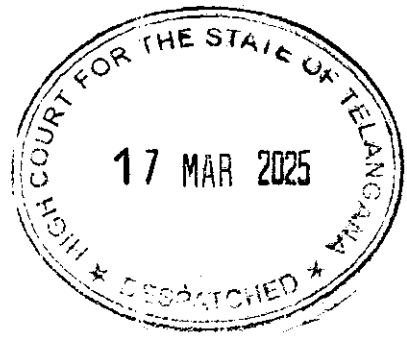
To,

1. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA), Swarna Jayanti Complex, Sanjeeva Reddy Nagar Rd., Srinivasa Nagar, Ameerpet, Hyderabad, Telangana- 500038
2. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad, State of Telangana.
3. One CC to SRI RUSHEEK REDDY.K.V., Advocate [OPUC]
4. One CC to SRI K.PRITHVI REDDY, Advocate [OPUC]
5. One CC to SMT D.JYOTHI, Advocate [OPUC]
6. One CC to SRI SHERI PRASAD, Advocate [OPUC]
7. One CC to SRI ASHOK KUMAR KOTAGIRI, Advocate [OPUC]
8. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
9. One CC to SMT D.MADHAVI, SC FOR HMDA [OPUC]
10. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
11. Two CCs to ADVOCATE GENERAL, High Court for the State of Telangana at Hyderabad [OUT]
12. Two CCs to GP FOR STAMPS & REGISTRATION, High Court for the State of Telangana at Hyderabad [OUT]
13. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana at Hyderabad [OUT]
14. Two CD Copies

BSR

HIGH COURT

DATED: 03/03/2025



COMMON JUDGMENT

WA.Nos.834 of 2022, 270 of 2023 and W.P.No.36324 of 2021

DISMISSING BOTH THE W.A's &

ALLOWING THE W.P.No.36324 of 2021,

WITHOUT COSTS

20
7/03/25
KK