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

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 PETITION NO: 3672 OF 2025

Between

Smt. Hoorunnisa Begum, W/o. Late Sri. Mir Hyder Ali Khan. aged 64 years, Occ household. R/o. H.No.6-3-1089/C/1, Baitul Aman. Gulmohar Avenue, Raj Bhavan Road, Somajiguda, Hyderabad 500 082

...PETITIONER

AND

1. Telangana Real Estate Regulatory Authority, DTCP Building, Ground Floor 640, AC Guards, Masab Tank, Hyderabad -500 004
2. M/s. Safah Constructions, Rep by Mohd Farhan Shaffi, S/o. Mohd Shaffi Osman, Aged 42 years, Occ Managing Partner, R/o 8-2-695/W/9, Road No.9, Banjara Hills, 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 pass orders or direction more particularly in the nature of Writ of Mandamus or any other appropriate writ to respondent No.1 by setting aside the Ex.P.7 dt. 13/12/2024 i.e., CC 229/2024 directing respondent 1 to consider the written submissions filed on 14/03/2024 in the interest of justice.

IA NO: 1 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 suspend the impugned order in CC No 229/2024i.e EX P7 dated 13/12/2024 pending the Writ Petition in the interest of justice.

Counsel for the Petitioner: SMT. ANITA AHUJA
Counsel for the Respondent No.1: SRI SAI PRASEN GUNDAVARAM
Counsel for the Respondent No.2: SRI AVINASH DESAI, SENIOR COUNSEL FOR SRI KOPAL SHARRAF

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT JUSTICE RENUKA YARA

WRIT PETITION No.3672 of 2025

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

Smt.Anita Ahuja, learned counsel appearing for the petitioner, Sri Sai Prasen Gundavaram, learned Standing Counsel appearing for respondent No.1 and Sri Avinash Desai, learned Senior Counsel appearing for Sri Kopal Sharraf, learned counsel appearing for respondent No.2.

2. Heard on admission.

3. This petition assails the order dated 13.12.2024 passed in Complaint No.229 of 2024 by the Telangana Real Estate Regulatory Authority (R.E.R.A.).

4. Learned counsel appearing for the petitioner fairly submits that although this order can be called in question in appeal before the Tribunal, the Writ Petition may be entertained, because many contentions of the petitioner which goes to the root of the matter have not been considered by the R.E.R.A. One such order passed by this Court in WP.No.23248 of 2022.

5. Learned Senior Counsel appearing for respondent No.2 submits that the impugned order was passed by Bench of three judges and after due application of mind, which can be called in question in appeal.

6. This Court in WP.No.23248 of 2022 permitted the petitioner to take shelter of the provisions of the Real Estate (Regulation and Development) Act, 2016 and in furtherance thereof, the petitioner filed complaint which came to be decided by the impugned order dated 13.12.2024. The order is, admittedly, appealable before the Tribunal.

7. If we agree with the contention of learned counsel for the petitioner for the sake of argument it will make the order erroneous "not without jurisdiction." In this backdrop, we are not inclined to short-circuit the remedy of statutory appeal before the Appellate Authority. The Appellate Authority is best suited to examine the legality, validity, propriety and the correctness of the order dated 13.12.2024. In view of the efficacious remedy available to the petitioner under the relevant statute, interference is declined. Time consumed before this Court shall not be counted for the purpose of filing appeal before the Tribunal.

8. Accordingly, the Writ Petition is **disposed of** with liberty to file appeal, without expressing any opinion on the merits of the case. No costs.

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

SD/-L. LAKSHMI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Telangana Real Estate Regulatory Authority, DTCP Building, Ground Floor 640, AC Guards, Masab Tank, Hyderabad -500 004
2. One CC to SMT. ANITA AHUJA, Advocate [OPUC]
3. One CC to SRI SAI PRASEN GUNDAVARAM, Advocate [OPUC]
4. One CC to SRI AVINASH DESAI, Advocate [OPUC]
5. Two CD Copies

PSK.
BS

HIGH COURT

DATED:03/03/2025

ORDER

WP.No.3672 of 2025



DISPOSING OF THE WRIT PETITION WITHOUT COSTS

PA
20/3/25

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