IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

I.A.Nos.2 and 3 OF 2025
IN/AND
WRIT APPEAL NO: 264 OF 2025

Between:

C. Sumitra Bai, W/o. C. Ashok Kumar, aged about 68 years, Housewife, R/o. H.No.1-8-402/2, Chikkadpally, Hyderabad. represented by her G.P.A. Holder C. Ashok Kumar S/o. Late C. Yadappa, Hyderabad through Notarized G.P.A. dated 03/02/2025

...APPELLANT/PETITIONER

AND

1. Bandaru Monica, W/o Bandaru Maheshwar, Aged about 54 years, Occ. Housewife, R/o H.No.1-8-396, Chikkadpally Hyderabad.

...WRIT PETITIONER

2. State of Telangana, Represented by its Principal Secretary (Municipal Administration and Urban Development Department), T.S. Secretariat, Saifabad, Hyderabad.
3. Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Tank Bund, Hyderabad.
4. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Circle No.15, Musheerabad, Hyderabad.
5. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.15, Musheerabad, Hyderabad.
6. The Assistant City Planner, Greater Hyderabad Municipal Corporation, Circle No.15, Musheerabad, Hyderabad.

...RESPONDENTS

IA NOs: 2 OF 2025

Petition under Section 5 of Limitation Act 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 condone the delay of 582 days in filing the Writ Appeal in the interest of justice.

IA NO: 3 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 grant leave to the appellant to file the Writ Appeal against the order dated 16/06/2023 passed in W.P.No. 15143/2023 in the interest of justice.

W.A.No.264 OF 2025

Writ Appeal under clause 15 of the Letters Patent Against Order Dated 16/06/2023 in WP.No. 15143 of 2023 on the file of the High Court.

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 grant ad-interim injunction restraining the Respondent No.1 herein from proceeding with the construction activity in the subject property bearing H.No. 1-8-403, Chikkadapally, Hyderabad in pursuance of the Building Permit Order dated 17/08/2023 vide Permit No.313594/8084/GHMC/2023 in the interest of justice.

Counsel for Appellant in I.As & WA: SRI S.RAMA CHANDRA PRASAD
M/s.SIVALENKA ASSOCIATES

Counsel for the Respondent No.1 in I.As & WA : SRI SANKALP PISSAY

Counsel for the Respondent No.2 in I.As & WA : GP FOR MA & UD

Counsel for Respondent No.3to6 in IAs & WA : SRI G.MADHUSUDHAN REDDY,
SC FOR GHMC

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

I.A.Nos.2 and 3 of 2025
In/and
WRIT APPEAL No.264 of 2025

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

Sri S.Rama Chandra Prasad, learned counsel for the appellant; Sri Sankalp Pissay, learned counsel for respondent No.1; and Sri G.Madhusudhan Reddy, learned Standing Counsel for GHMC, appearing for respondent Nos.3 to 6.

2. Heard on the application for condonation of delay and on the application for leave.

3. The impugned order is passed by the learned Single Judge on 16.06.2023 in W.P.No.15143 of 2023. The present writ appeal is filed on 17.02.2025 with a delay of 582 days. To wriggle out of the delay, the learned counsel for the appellant submits that the appellant has not been impleaded by respondent No.1 (writ petitioner) in the aforesaid writ petition, despite the fact that appellant was a necessary party and admittedly, respondent No.1

and the appellant are parties to O.S.No.637 of 2023. Thus, respondent No.1, in all fairness, should have impleaded the appellant as a party. Since the appellant was not a party and came to know about the impugned order of the learned Single Judge after receiving the notice from Greater Hyderabad Municipal Corporation (hereinafter, referred to as, 'GHMC'), she filed this writ appeal with quite promptitude.

4. Learned counsel for respondent No.1 opposed the aforesaid interlocutory applications and urged that, admittedly, both the parties are litigants in O.S.No.637 of 2023. The impugned order of the learned Single Judge dated 16.06.2023 was filed along with the list of documents filed by the plaintiffs in another suit, namely O.S.No.5116 of 2023. The appellant is defendant No.2 in the said suit. Along with the list of documents filed in the said suit, the impugned order of the learned Single Judge dated 16.06.2023 was filed, a copy whereof was supplied to the learned counsel for defendant Nos.1, 2 and 4 on 06.12.2023. Learned counsel for the said defendants have received a copy under the signature. Thus, learned counsel for respondent No.1 submits that the appellant came to know about the impugned order on 06.12.2023 and

thereafter has not explained the delay in filing the present writ appeal.

5. Learned counsel for the appellant maintained with the stand that the appellant came to know about the impugned order of the learned Single Judge only when she received the notices from GHMC after the order of the learned Single Judge dated 16.06.2023.

6. We have heard the parties on the interlocutory application for condonation of delay at length.

7. Learned counsel for the appellant, despite repeated query, did not meet the aforesaid point raised by respondent No.1 that a copy of the impugned order dated 16.06.2023 was received along with the list of documents by the appellant, who is defendant No.2 in O.S.No.5116 of 2023, on 06.12.2023. The enormous delay from that date has not been explained either in the interlocutory application or otherwise.

8. Thus, we are unable to persuade ourselves with the line of argument of the learned counsel for the appellant that the appellant came to know about the impugned order of the learned

Single Judge only upon receiving the notices from GHMC. The list of documents filed with the counter affidavit of respondent No.1 which contains the signature of the learned counsel for the defendant No.2 in O.S.No.5116 of 2023 showing receipt of the impugned order of the learned Single Judge on 06.12.2023 could not be rebutted.

9. Thus, the enormous delay of 582 days in filing the appeal could not be explained satisfactorily. The interlocutory application for condonation of delay is accordingly dismissed.

10. Resultantly, the interlocutory application seeking leave and the writ appeal are also dismissed. No costs.

SD/-I.NAGALAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

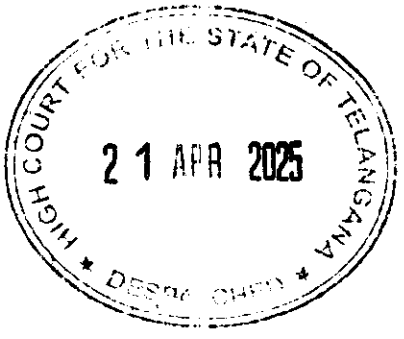
1. One CC to M/s.SIVALENKA ASSOCIATES, Advocate. [OPUC]
2. One CC to SRI SANKALP PISSAY, Advocate. [OPUC]
3. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI G.MADHUSUDHAN REDDY, SC FOR GHMC [OPUC]
5. Two CD Copies.

BSK

HIGH COURT

DATED:11/03/2025

JUDGMENT



I.A.Nos.2 and 3 OF 2025
IN/AND
WRIT APPEAL NO: 264 OF 2025

ORDERING THE I.As &
DISMISSING THE WRIT APPEAL
WITHOUT COSTS

(8)
22/04/25