HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NO: 430 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 11-03-2025 in WP No 33921 of 2024 on the file of the High Court.

Between:

1. Smt. Thumula Sulochana, W/o. Thumula Sai Baba, Aged 50 years, Occ. House wife, R/o H. NO. 39107/1, Reddy Colony, Hanakonda Town and City Hanamkonda District 506001.
2. Tumula Sai Baba, S/o. Sammaiah, aged 57 years, Occ. Govt. Employee, R/o H.No.39107/1, Reddy Colony, Hanakonda Town and City Hanamkonda District 506001.

...APPELLANTS

AND

1. The State of Telangana, Rep by its Principal Secretary Municipal Administration and Urban Development Department Secretariat Buildings Hyderabad.
2. The Regional Joint Director cum. Appellate Commissioner, Municipal Administration and Urban Development KUDA Complex Hanumakonda.
3. Greater Warangal Municipal Corporation, Warangal Rep by its Commissioner.
4. Greater Warangal Municipal Corporation, Kazipet Circle Warangal Rep by its Deputy Commissioner.
5. The Assistant City Planner III, Kazipet Circle II Greater Warangal Municipal Corporation, Kazipet Circle II Warangal.
6. The Commissioner of Police, Warangal Commissionarate at Warangal.
7. The Station House Officer, Hanumakonda Police Station at Hanumakonda.
8. Ladella Ravinder, S/o L: Narasaiah, Aged about 65 years Occ: Retired Employee presently, residing at D No 212241/F2 Vidyaranyapuri colony Hanumakonda District.

...RESPONDENTS

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 Suspend the operation of the impugned Order dated 31-08-2023 vide proceedings No E255768/GWMC/TP/ Cirll/2023-2024 passed by the 2nd Respondent pending disposal of the above writ Appeal including demolition process, by following due process of law, pending disposal of the writ petltion.

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 direct the Respondent No.4 to reopen the seizured subject property bearing H.No.3-9-107/1, Reddy Colony, Hanamkonda Town and City, Hanamkonda District-506001.

Counsel for the Appellants: SRI BHANU MURTHY BALA

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

Counsel for the Respondent Nos.3 to 5: SRI PASHAM MOHITH, SC FOR GHMC

Counsel for the Respondent Nos.6 and 7: GP FOR HOME

Counsel for the Respondent No.8: SRI Y. NAGAIAH, APPEARING FOR SRI B. RAVICHANDRA,

The Court Delivered the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.430 of 2025

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

Sri Bhanu Murthy Bala, learned counsel for the appellants and Sri Y.Nagaiah, learned counsel appearing for Sri B.Ravichandra, learned counsel for respondent No.8.

2. Heard on admission.

3. Learned counsel for the appellants fairly submitted that the review petition was not maintainable before respondent No.4 because there was no such enabling provision pursuant to which, the said authority could have exercised power of review. He prays for withdrawal of this appeal with the liberty to the appellants to approach the appropriate forum. However, till such time the appellants approach the appropriate forum and pray for interim relief, he seeks interim protection.

4. The other side opposed the same.

5. The writ appeal is accordingly **dismissed as withdrawn** with the liberty prayed for. However, so far the prayer for interim relief for interregnum period is concerned, it is apposite to consider the direct judgment of the Supreme Court on this point. The Supreme Court in **Kalabharati Advertising v. Hemant Vimalnath Narichania**[1] in paragraph No.22 opined as under:-

> **"22.** It is a settled legal proposition that the forum of the writ court cannot be used for the purpose of giving interim relief as the only and the final relief to any litigant. If the court comes to the conclusion that the matter requires adjudication by some other appropriate forum and relegates the said party to that forum, it should not grant any interim relief in favour of such a litigant for an interregnum period till the said party approaches the alternative forum and obtains interim relief. (Vide *State of Orissa* v. *Madan Gopal Rungta* [1951 SCC 1024 : AIR 1952 SC 12] , *Amarsarjit Singh* v. *State of Punjab* [AIR 1962 SC 1305] , *State of Orissa* v. *Ram Chandra Dev* [AIR 1964 SC 685] , *State of Bihar* v. *Rambalak Singh "Balak"* [AIR 1966 SC 1441 : 1966 Cri LJ 1076] and *Premier Automobiles Ltd.* v. *Kamlekar Shantaram Wadke* [(1976) 1 SCC 496 : 1976 SCC (L&S) 70 : AIR 1975 SC 2238].)"

6. In the light of the aforesaid judgment, no interim relief can be granted for interregnum period. The prayer is rejected. It is made clear that this Court has not expressed any opinion on the merits of the case. No order as to costs.

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[1] (2010) 9 SCC 437

Miscellaneous petitions pending, if any, shall stand closed.

SD/-B. SATYAVATHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Bhanu Murthy Bala, Advocate [OPUC]
2. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CC to The GP for Home, High Court for the State of Telangana, at Hyderabad[OUT]
4. One CC to Sri Pasham Mohith, SC for GHMC[OPUC]
5. One CC to Sri B. Ravichandra, Advocate[OPUC]
6. Two CD Copies

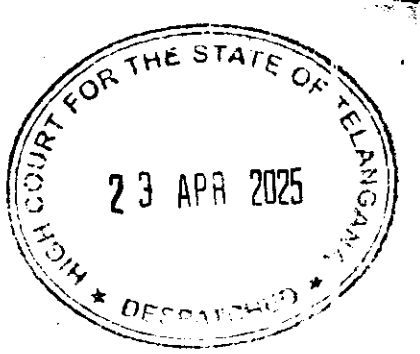
T J
BS

HIGH COURT

DATED:17/04/2025

JUDGMENT

WA.No.430 of 2025



DISMISSING THE WRIT APPEAL AS WITHDRAWN WITHOUT COSTS

(9)

kpr

23/4/25