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

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 PETITION NO: 2943 OF 2025

Between:

1. Garugu Raju, S/o Garugu Sathaiah Aged about 39 years, Occ.Agriculture R/o 3-158, Chilkur, Moinabad Rangareddy District Telangana - 501504
2. Pati Jagan Mohan Reddy, S/o P Janardhan Reddy Aged about 47 years, Occ.Agriculture 1-16, Pedda Mangalaram, Moinabad, Rangareddy District, Telangana - 501504
3. Athapuram Sadanandam Goud, S/o A Janardan Goud Aged about 40 years, Occ.Agriculture 2-49, Himayathnagar Moinabad, Rangareddy District, Telangana - 500075
4. Mangali Ramulu, S/o Kistaiah Aged about 49 years, Occ.Agriculture R/o 1-148, Aziz Nagar, Rangareddy District Telangana - 500075
5. Byagari Raju, S/o Bygari Ramulu Aged about 39 years, Occ. Agriculture 1-69, Surangal, Moinabad P.O Surangal, Rangareddy District, Telangana - 501504
6. Nyalati Laxman, S/o Pentaiah Aged about 47 years, Occ. Agriculture 2-32, Yenkapalle, Yenkepalle Rangareddy District Telangana - 500075
7. Shabad Praveen Kumar, S/o Shabad Prakash Aged about 37 years, Occ. Agriculture 1-31, Moinabad Rangareddy District Telangana - 501504

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary to Govt. General Administration Department Secretariat, Hyderabad - 500 022
2. The State of Telangana, Rep. by its Principal Secretary to Govt Municipal Administration and Urban Development Department, Secretariat, Hyderabad 500 022
3. The State of Telangana, Rep. by its Principal Secretary to Govt Panchayat Raj and Rural Development Department, Secretariat, Hyderabad 500 022
4. The State of Telangana, Rep. by its Secretary to Govt Legal Affairs, Legislative Affairs and Justice, Law Department, Secretariat, Hyderabad 500 022

5. The District Collector, Ranga Reddy District, Kongarakalan Village, Ibrahimpatnam, Ranga Reddy District - 501510

6. The Moinabad Municipality, Rep. By its Commissioner, Moinabad, Ranga Reddy District Telangana

...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 a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the action of respondents in merging Moinabad, Himayathnagar, Yenakapally, Chilkur, Murthuzaguda, Pedda Mangalaram, Surangal and Aziz Nagar Gram Panchayats and constituting Moinabad Municipality by including the same at Sl.No.54C of the Schedule I of Telangana Municipalities Act, 2019 published in Telangana Gazette on 04.01.2025 without following procedures laid down in The A.P. Municipalities (Inclusion or Exclusion of Areas into/from the jurisdiction of the Municipalities/Nagara Panchayat) Rules, 2015 as arbitrary, illegal and violative of principles of natural justice and consequently set aside the same

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 direct the respondents not to take further action in pursuance amendment made in Act 4 of 2025 wherein Moinabad, Himayathnagar, Yenakapally, Chilkur, Murthuzaguda. Pedda Mangalaram, Surangal and Aziz Nagar Gram Panchayats are sought to be merged and constituting Moinabad Municipality, Ranga Reddy District and including the same in Sl.No.54C of the Schedule I of Telangana Municipalities Act.. 2019 published in Telangana Gazette on 04012025 pending disposal of the above writ petition

Counsel for the Petitioners: SRI S. SATYAM REDDY REPRESENTING FOR SRI. SARASANI RAHUL REDDY

Counsel for the Respondent No.1: SRI G. VEERASWAMY GP FOR GENERAL ADMINISTRATION

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

Counsel for the Respondent No.3: GP FOR PANCHAYAT RAJ

Counsel for the Respondent No.4: GP FOR LEGAL AFFAIRS

Counsel for the Respondent No.5: GP FOR REVENUE

Counsel for the Respondent No.6: SRI PUTTA KRISHNA REDDY SC FOR MC

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.2943 of 2025

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

Sri S.Satyam Reddy, learned Senior Counsel appearing for Sri S.Rahul Reddy, learned counsel for the petitioner; Sri G.Veeraswamy, learned Government Pleader for General Administration, for respondent No.1 and Ms. Gudipati Sharvani, learned counsel representing Sri Krishna Reddy Putta, learned counsel for respondent No.6.

2. With the consent finally heard.

3. This Petition filed under Article 226 of the Constitution challenges the constitutional validity of the Telangana Municipalities (Amendment) Act, 2025 (Amendment Act). In nut shell, the case of the petitioner is that by impugned amendment Act, certain Grampanchayats have been brought within the ambit of the municipalities. The petitioner is aggrieved by such inclusion which forms part of entry 54 C which reads thus:

> "**54C**: Moinbad (by merging Moinabad, Himayathnagar, Yenka pally, Chilkur, Murthuzaguda, Peddamangalaram, Surangal and Aziznagar Grampanchayats.

4. Learned counsel for the petitioner raised a singular contention to assail the impugned Amendment Act that before bringing the Grampanchayats within the ambit of municipalities, the respondents had to follow the statutory rules namely:- The Andhra Pradesh Municipalities (Inclusion or Exclusion of Areas into/from the Jurisdiction of the Municipalities/Nagar Panchayats) Rules, 2015 (Rules, 2015). These Rules have not been followed. In the absence of following those rules, the impugned enactment is bad in law.

5. On the other hand, learned Government Pleader for Municipal Administration supported the impugned amendment and submits that before this amendment, an ordinance was brought into force, wherein similar exercise of bringing the Grampanchayats in municipality was the subject matter of challenge in W.P.No.15194 of 2024 and batch and the said writ petitions were dismissed by common order dated 05.12.2024. Now same ordinance has taken shape of full-pledged enactment. In view of said order, no interference can be made in the impugned amendment.

6. The next limb of argument is based on Section 299 of the Telangana Municipalities Act, 2019 (Act, 2019). It is submitted that when the Rules are inconsistent with the Act itself, the Act will prevail. This aspect has been dealt with by while deciding WP.No.25194 of 2024 and batch. It is further urged that in view of sub-Section 3 of Section (3) of the Act, 2019, the amendment of the Act is in consonance with the enabling provision.

7. The parties confined their arguments to the extent indicated above.

8. Sub-Section 3 of Section 3 of the Telangana Municipalities Act, 2019 reads thus:

> (3) The State Legislature may, by way of amendment to this Act, modify or add or alter schedule I or II of this Act so as to,-
>
> (a) form a new Municipality by separation of local area from any Municipality, or by uniting two or more local areas or part of areas, or by uniting any local area to a part of Municipality;
> (b) include within a Municipality any local area;
> (c) exclude from a Municipality, any area comprised therein;
> (d) constitute any local area as a Municipality;
> (e) alter the name of any Municipality;
> (f) revise the boundary of municipal area;
> (g) describe the boundaries of the Municipality;
> (h) abolish a Municipality.

9. A plain reading of this enabling provision shows that the constitution of municipalities is permissible and said exercise can be done by way of amendment of the Act. New municipalities can be formed as well as new municipal areas. As noticed above, learned counsel for the petitioner has not doubted the legislative competence in issuing the Amendment Act. The eye-brows are raised on the Amendment Act only on the ground that Rules are not followed. We are inclined to observe that said contention is misconceived. When the mother Act namely, the Telangana Municipalities Act, 2019, in sub-Section 3 of Section 3 permits the Legislature to amend the Act and form new Municipalities, the Legislature has done it within four corners of Law. The provisions of the Act as well settled, are on a higher pedestal than the provisions of Rules. In other words Rules are made under the Act and the Rules cannot govern the provisions of the Act. Section 3 (3) is an independent enabling provision.

10. This Court also, in the previous round of litigation in WP.No.25194 of 2024 and batch, dated 05.12.2024, opined as under:

> " 18. Thus, from perusal of Section 299 of the 2019 Act, it is evident that the Rules framed under the 1965 Act are saved, provided the same are not inconsistent with the provisions of the 2019 Act. The Rules, 2015 are inconsistent with the substantive provisions of Section 3 of the 2019 Act. Therefore, the aforesaid Rules are no longer in force. For the aforementioned reason, the contention that the Ordinance 3 of 2024 is in contravention of Rule 3 of the Rules 2015 is misconceived.
>
> 19. Insofar as another submission made on behalf of the petitioners that a Constitutional Body like Gram Panchayat cannot be dissolved, suffice it to say that in exercise of powers under Section 3 of the 2019 Act, the limits of a local body can be altered. The validity of the aforesaid Section is not under challenge in these writ petitions. Therefore, it is not necessary for us to deal with the said contention.
>
> 20. For the aforementioned reasons, we do not find any merit in these writ petitions. The same fail and are hereby dismissed."
>
> (Emphasis supplied)

11. In view of foregoing discussion, we are unable to hold that for not following the Rules, Amendment Act can be declared as unconstitutional.

12. The Writ Petition is devoid of merits and is hereby **dismissed.** No costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-K.AMMAJI
DEPUTY REGISTRAR

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SECTION OFFICER

To,

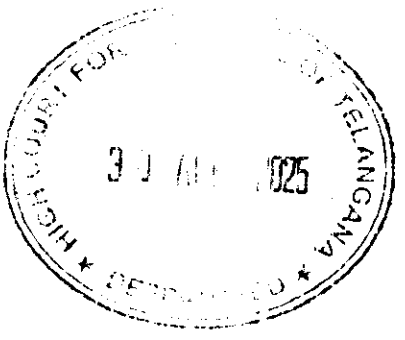
1. One CC to SRI. SARASANI RAHUL REDDY Advocate [OPUC]
2. One CC to SRI PUTTA KRISHNA REDDY SC FOR MC [OPUC]
3. Two CCs to GP FOR GENERAL ADMINISTRATION ,High Court for the State of Telangana. [OUT]
4. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana. [OUT]
5. Two CCs to GP FOR PANCHAYAT RAJ, High Court for the State of Telangana at Hyderabad. [OUT]

6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CCs to GP FOR LEGAL AFFAIRS, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

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HIGH COURT

DATED:17/04/2025



ORDER

WP.No.2943 of 2025

DISMISSING THE WRIT PETITION
WITHOUT COSTS

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29/4/25