HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FIFTEENTH 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: 403 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 12/12/2024, Passed in W.P. No. 33438 of 2011 on the file of the High Court.

Between:

Nayyer Khan, W/o. Late Khader Ali Khan, Aged 74 Years, Occ. Housewife, R/o. Plot No. 45, Road No.14, Banjara Hills, Hyderabad.

...APPELLANT

AND

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
2. Government of Telangana, Rep. by District Collector, Hyderabad District, Lakdikapool, Hyderabad.
3. Mohd. Toufeeq Ali Khan, S/o. Late Hamid Ali Khan, Aged Major, Occ. Business, R/o. Road No.14, Banjara Hills, Hyderabad.
4. The Director, Vigilance Enforcement and Disaster, GHMC, Tank Bund, Hyderabad.

   (R4 is impleaded as per court order dt. 21/11/2010 in IA 2/18)

...RESPONDENTS

IA NO: 1 OF 2025

Between:

Nayyer Khan, W/o. Late Khader Ali Khan, Aged 74 Years, Occ. Housewife, R/o. Plot No. 45, Road No.14, Banjara Hills, Hyderabad.

...APPELLANT

AND

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.

2. Government of Telangana, Rep. by District Collector, Hyderabad District, Lakdikapool, Hyderabad.
3. Mohd. Toufeeq Ali Khan, S/o. Late Hamid Ali Khan, Aged Major, Occ. Business, R/o. Road No.14, Banjara Hills, Hyderabad.
4. The Director, Vigilance Enforcement and Disaster, GHMC, Tank Bund, Hyderabad.
5. Joint Collector, Hyderabad District, Lakdikapool, Hyderabad.
6. The Tahsildar, Shaikpet Mandal, Hyderabad District.

...RESPONDENTS

Petition under Order 39 rule 1 & 2 read with 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 Restrain the Respondents not to interfere with the peaceful possession of the Petitioner/Appellant and further direct the Respondents not to make any constructions on Plot Nos.77/14, 77/15 and 77/16 admeasuring 1000 Sq.yds with House No. 8-2-293/82/L/77 and 8-2-293/82/L/77/16 situated at Hakimpet Village, Golkonda Mandal, Hyderabad District, pending disposal oi the Writ Appeal.

IA NO: 2 OF 2025

Petition under Order VI rule 17 of CPC read with 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 amend the Main prayer in the Writ Petition as follows After the sentence to declare the Endorsement No.E1/8681/2010 dated 24/11/2010 issued by the Joint Collector Hyderabad (on behalf of NOC Committee) and before Notice dated 13/12/2010 issued under APLE Act, the word proceedings No.D/7737/2010 dated 13/12/2010 of The Tahsildar, Shaikpet Mandal, Hyderabad District has to be inserted.

IA NO: 3 OF 2025

Petition under 16 (a) of Writ Proceedings rules, 1977 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Implead The Joint Collector, Hyderabad District as well as the Tahsildar, Shaikpet Mandal, Hyderabad District as Respondent Nos.5 and

6 in the Writ Petition No.33438 of 2011 as well as in the Writ Appeal arising out of the Orders passed in W.P No.33438 of 2011 dated 12/12/2024.

Counsel for the Appellant: SRI SRINIVAS POLAVARAPU

Counsel for the Respondent No.1: SRI MIDDE ARUN KUMAR, SC FOR GHMC

Counsel for the Respondent No.2: Ms. T.SWETCHA, GP FOR REVENUE

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.403 of 2025

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

Sri P. Srinivas, learned counsel for the appellant; Sri M. Arun Kumar, learned Standing Counsel for Greater Hyderabad Municipal Corporation, for respondent No.1 and Ms. T. Swetcha, learned Government Pleader for Revenue, for respondent No.2.

2. With the consent, finally heard.

3. During the course of hearing, learned counsel for the parties agreed that one of the main reasons for not entertaining W.P.No.33438 of 2011 was that the appellant has not impleaded certain necessary parties as party-respondents. It is agreed that since learned Single Judge has not decided the matter on merits, the impugned order dated 12.12.2024 may be set aside by reserving liberty to the appellant to file applications for impleadment and amendment before the learned Single Judge.

4. In view of consensus arrived at, the impugned order dated 12.12.2024 is set aside by reserving liberty as prayed for. W.P.No.33438 of 2011 is restored to its original number. If such

applications are filed by the appellant, we have no doubt, learned Single Judge will deal with the same in accordance with law and decide the writ petition on merits afresh.

5. Accordingly, this Writ Appeal is **disposed of**. It is made clear that this Court has not expressed any opinion on merits of the case. No costs.

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

SD/-M.MANJULA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
2. The District Collector, Hyderabad District, Lakdikapool, Hyderabad, Government of Telangana.
3. The Director, Vigilance Enforcement and Disaster, GHMC, Tank Bund, Hyderabad.
4. Joint Collector, Hyderabad District, Lakdikapool, Hyderabad.
5. The Tahsildar, Shaikpet Mandal, Hyderabad District.
6. The Section Officer, Posting Section, High Court for the State of Telangana at Hyderabad.
7. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana at Hyderabad.
8. One CC to SRI SRINIVAS POLAVARAPU, Advocate [OPUC]
9. One CC to SRI MIDDE ARUN KUMAR, SC FOR GHMC [OPUC]
10. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
11. Two CD Copies

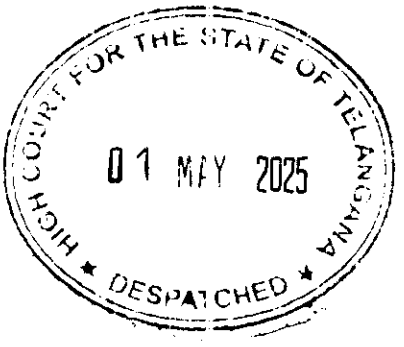
BSR
LS

HIGH COURT

DATED:15/04/2025

JUDGMENT

WA.No.403 of 2025



DISPOSING OF THE WRIT APPEAL,

WITHOUT COSTS

(14) PA 23/4/25