HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY ,THE THIRTIETH 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 NOS: 512 AND 525 OF 2025

WRIT APPEAL NO: 512 OF 2025

Writ Appeal under clause 15 of the Letters Patent Writ preferred against the order dated 21/04/2025 passed in W P No 16141 of 2023 and pass on the file of the High Court.

Between:

R.Ravindranath, S/o.Late R.Chandrakanth Age.50 years, Occ . Business, R/o.H.No.16-2-674/6, Malakpet, Hyderabad

...APPELLANT/PETITIONER

AND

1. The Greater Hyderabad Municipal Corporatio :, Rep. by its Commissioner, Tank Bund Road, Hyderabad.
2. Smt.M.Kameswari, FlatNo.201, 2nd Floor, H.No.16-2-751/16, Eternal Kailas, Road No.2, SBH 'A' Colony, Saidabad, Hyderabad.
3. Smt.C.Vishweshwari, H.No.6302/3/10, Anjanadri Residency, Flat No.302, Chandranagar, Balapur Cross Roads, Meerpet, R.R.District- 500097
4. Smt.Y.S.Jagadishwari, Flat No.403 A, H.No.162146/34/33/A34/1/A, Sri Nilayam, Dayanand Nagar Colony, Malakpet, Hyderabad - 36.
5. Smt.K.Gayathri, R/o.K.K. Sons Residency Padmashali Street, Venkatagiri, Nellore District, Andhra Pradesh.
6. M/s Orange Avenues, A registered Partnership Firm, with Reg No.2901 Of 2013, dated.14.11.2013, having its registered office at D No.8-1-674/2, 4th Floor, Commercial Building, Chintal Kunta, L.B.Nagar, Ranga Reddy District, Rep.by its Managing Partner Sri Karnati Srinivas S/o.K.Lingaiah, Aged about 59 years, Occ.Business, R/o.Flat No.101, Sai Enclave Green Hills Colony, Kothapet, Saroor Nagar, Hyderabad 500 035.

   Respondent No 6 is impleaded as per Court Order, dt.04.11.2024 in IA No 5 of 2023.

...RESPONDENTS

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 proceedings of the 1st respondent in Letter No.59560/25/08/ 2014/HO/808 dt 20.06.2023 pending disposal of the Writ Appeal

Counsel for the Appellant: SRI VEDULA SRINIVAS REPRESENTING FOR SRI. VEDULA CHITRALEKHA

Counsel for the Respondent No.1: MS. T. KANYAKUMARI REPRESENTING FOR SRI SRINIVAS RAO PACHWA (SC FOR GHMC)

Counsel for the Respondent Nos.2 to 5: SRI V. RAVINDER RAO SR. COUNSEL REPRESENTING SRI SATHVIK MAKUNURU

Counsel for the Respondent No.6: ---

WRIT APPEAL NO: 525 OF 2025

Writ Appeal under Clause 15 of the Letters Patent preferred against the order dated 01-04-2025 passed in W.P. No 16141 of 2023 and pass. on the file of the High Court.

Between:

M/s Orange Avenues, A registered Partnership Firm with Reg No. 2901 of 2013 dated 14.11.2023 Having its Registered Office at D. No. 8-16-74/2, 4th Floor, Commercial Building, Chintal Kunta, L.B. Nagar, Ranga Reddy District Represented by its Managing Partner Sri Karnali Srinivas, S/o K. Lingaiah, Aged about 59 years, Occ. Business, R/o Flat No. 101, Sai Enclave, Green Hills Colony, Kothapet, Saroor Nagar, Hyderabad 500 035

AND ...**APPELLANT**

1. R. Ravindranath, S/o Late R. Chandrakath, Aged about 48 years, R/o H. No. 16-2-674/6 Malakpet, Hyderabad
2. Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Tank Bund, Hyderabad
3. Smt. M. Kameshwari, Flat No. 201, 2nd Floor, 2nd Floor, H. No. 16-2-751/16, Eternal Kailas, Road No. 2, SBH 'A' Colony, Saidabad, Hyderabad
4. Smt C. Vishweshwari, H. No. 6302/3/10, Anjanadri Residency,Flat No. 302, Chandranagar, Balapur Cross Roads, Meerpet, R.R. District 500 097
5. Smt. Y.S. Jagadishwari, Flat No. 403 A, H. No. 162146/34/33/A34/1/A, Sri Nilavam, Dayar and Nagar Colony, Malakpet, Hyderabad 500 036
6. Smt K. Gayathri, R/o K.S. Sons Residency, Padmashali Street, Venkatgiri, Nellore District Andhra Pradesh

...**RESPONDENTS**

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 Proceedings bearing No. 59560/25/08/2014/HO/808 dated 20.06.2023 pending disposal of the above Writ Appeal

Counsel for the Appellant: Ms. PRATUSHA BOPPANA

Counsel for the Respondent No.1: ---

Counsel for the Respondent No.2: MS. T. KANYAKUMARI REPRESENTING FOR SRI SRINIVAS RAO PACHWA (SC FOR GHMC)

Counsel for the Respondent Nos.3 to 6: SRI V. RAVINDER RAO SR. COUNSEL REPRESENTING SRI SATHVIK MAKUNURU

The Court made the following: COMMON JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL Nos.512 AND 525 OF 2025

COMMON JUDGMENT *(Per Hon'ble Smt. Justice Renuka Yara)*:

Sri Vedula Srinivas, learned Senior Counsel representing Ms. Vedula Chitralekha, learned counsel for the appellant in W.A.No.512 of 2025, Sri V.Ravinder Rao, learned Senior Counsel representing Sri Sathvik Makunuru, learned counsel for respondent Nos.2 to 5 in W.A.No.512 of 2025 and for respondent Nos.3 to 6 in W.A.No.525 of 2025, Ms. Prakusha Boppanna, learned counsel for the appellant in W.A.No.525 of 2025 and Ms.T.Kanyakumari, learned counsel representing Sri Srinivasa Rao Pachwa, learned Standing Counsel for GHMC in both the appeals.

W.A.No.512 of 2025

2. The intra-Court appeal preferred by the appellant/writ petitioner assailing the order of the learned Single Judge in W.P.No.10141 of 2023 dated 21.04.2025 whereby the impugned revocation order dated 20.06.2023 is confirmed by dismissing the writ petition. The writ petitioner filed the writ petition to declare the proceedings of respondent No.1 in Letter No.59560/25/08/2014/HO/808, dated 20.06.2023

whereby the building permission dated 21.04.2020 in permit No.53601/HO/EZ/Cir.3/2016 in file No.59560/25/08/2014/HO is cancelled and to declare the same as illegal and arbitrary.

W.A.No.525 of 2025

3. This appeal is preferred by respondent No.6-Ms.Orange Avenues assailing the order of the learned Single Judge in W.P.No.16141 of 2023 dated 21.04.2025. Respondent No.6 entered into a Memorandum of Understanding dated 10.02.2014 with the writ petitioner for construction of 2 cellars + ground + upper 4 floors of multi storied commercial complex in land admeasuring 2714 square yards which is a portion in 'B' schedule property as per sketch map in page No.87 of Writ Appeal material papers. The writ petitioner and the developer had share of 60% and 40% respectively in the built-up area.

4. The parties hereinafter referred to as they are arrayed in the writ petition.

5. The writ petitioner claims to be the owner of land to an extent of 4461 square yards which is bequeathed by his

father through will deed dated 29.12.1999. The writ petitioner filed application dated 25.08.2014 seeking permission for construction of a building. Even before the application was processed by respondent No.1, the sister of writ petitioner filed a suit in O.S.No.301 of 2016 (old O.S.No.10 of 2016) seeking partition and separate possession of 'A' to 'D' schedule properties. Respondent No.6 who is the Developer got impleaded into the suit. The civil Court granted injunction in favour of the sister of the writ petitioner restraining the writ petitioner from alienating the suit schedule properties and from changing the physical feature of said properties. The said applications were disposed of *vide* common judgment dated 15.11.2017. Aggrieved by the same, the writ petitioner's mother filed C.M.A.No.35 of 2018, respondent No.6 filed C.M.A.No.36 of 2018 and respondent No.2 filed C.M.A.No.81 of 2018. During pendency of the CMAs, the family members reached an understanding. On the basis of said understanding this Court *vide* common judgment dated 31.10.2018 disposed of the CMAs with directions as follows:

> 1) The injunction granted by the lower Court in respect of part of 'B' schedule property is confined to 'B' marked portion in the sketch prepared by the Surveyor and filed

along with the Advocate Commissioner's report in I.A.No.1150 of 2016.

2) The injunction is also confined to 60% of the constructed area to be allotted to defendant Nos.1 and 2 over 'A' marked portion of plaint 'B' schedule property.
3) Within two weeks, defendant Nos.1, 2 and 11 shall register the Memorandum of Understanding, dated 10.02.2014.
4) Defendant Nos.1 and 2 shall select 60% of the constructed area falling to their shares facing Vijayawada and Nagarjunasagar Highways.
5) Defendant Nos.1 and 2 shall not alienate or further encumber the 'A' schedule property which is already under mortgage to Vijaya Bank, Malakpet Branch, Hyderabad, pending the suit.

6. While things stood thus, respondent No.1 granted building permission order dated 21.04.2020 for construction of 2 stilt, ground + 4 upper floors. Pursuant to said building permit order, the writ petitioner commenced construction and completed the construction. Further, some portions are let out and lessees are running commercial establishments.

7. At this juncture, respondent No.2 lodged a complaint with respondent No.1 alleging that the writ petitioner resorted to suppression and misrepresentation of facts in the process of obtaining the building permit order. More particularly, it is emphasized that the writ petitioner did not disclose pendency of civil suit and the agreement reached while disposing the

CMAs. Further, it is alleged that while disposing the CMAs, the injunction granted by the civil Court was confined to 'B' schedule property which is abutting road side. The writ petitioner surrendered part of the land in 'B' schedule property to respondent No.1 for the purpose of getting building permission in 'A' schedule property.

8. Upon receipt of said complaint, respondent No.1 issued show-cause notice dated 10.03.2022 proposing to cancel the building permit. Challenging the same, the writ petitioner filed W.P.No.19681 of 2022. Said writ petition was disposed of with a direction to respondent No.1 to consider the building permit application by issuing notice to all the stakeholders and after considering their objections. In compliance of said order by respondent No.1 after issuing notice to all the parties and giving an opportunity for hearing to all the parties and considering the written arguments of all the parties passed the impugned order dated 20.06.2023 cancelling the building permit order dated 21.04.2020 which became the subject matter of the writ petition.

9. The primary issue canvassed before the learned Single Judge is suppression of material facts by the writ petitioner

while obtaining the building permit order dated 21.04.2020. According to the writ petitioner, there is no suppression of facts, as the application was filed in the year 2014 and at that time, no suits were pending and there were no restraining orders. CMAs were also filed subsequent to grant of temporary injunction in favour of respondent No.2 in the civil suit and therefore there was no occasion to disclose the pending litigation before respondent No.1.

10. Per contra, the contention of contesting respondent Nos.2 to 5 is that though the application is filed in the year 2014, the building permit order itself was issued on 21.04.2020 and by said date the suit was pending and CMAs were disposed of by a common order. For the purpose of obtaining building permit order, the writ petitioner has given an undertaking dated 28.02.2020 without disclosing the pending litigation. Also, the writ petitioner surrendered land to an extent of 1815 square yards in 'B' schedule property in favour of respondent No.1 free of cost for the purpose of obtaining the construction permission.

11. The writ petitioner's stand about there being no suppression of facts is considered by the learned Single Judge

and upon a detailed reasoning dismissed the same holding that the writ petitioner indeed resorted the suppression of facts and thereby confirmed the revocation order dated 20.06.2022.

12. During arguments for admission of writ appeal, the learned Senior Counsel for the writ petitioner would contend that respondent No.1 erroneously exercised authority under Section 450 of the Greater Hyderabad Municipal Corporation (GHMC) Act, wherein the Commissioner is empowered to cancel the permission on the ground of material misrepresentation by the applicant. Based on the factum of giving an undertaking by suppressing the pending civil suit whereby the title of the writ petitioner over subject land is in question and suppression about injunction order prevailing with respect to the 'B' schedule property which is surrendered to the GHMC, respondent No.1 passed revocation order. According to the Senior Counsel for the writ petitioner, the facts of the case do not attract Section 450 of the GHMC Act. The learned Senior Counsel has chosen to emphasize that there was no civil suit, no injunction order or CMAs pending when the writ petitioner filed the application in the year 2014 seeking building permission. Therefore, said factors cannot

be considered while granting permission and therefore assailed the impugned revocation order.

13. Learned counsel for respondent No.1 opposed the writ petitioner's version and contended that respondent No.1 rightly exercised the power under Section 450 of the GHMC Act as there is material misrepresentation and suppression of facts by the writ petitioner with respect to pending litigation. It is argued that the writ petitioner may have submitted the application for grant of building permit in the year 2014 when there were no cases pending against the writ petitioner. However, at the time of processing the building permission in the year 2020, the writ petitioner was well aware of the pending suits wherein the title of the writ petitioner is challenged by the contesting respondent Nos.2 to 5. With full knowledge about the operation of the injunction orders passed by the civil Court and affirmed by this Court in CMAs *vide* common order dated 31.10.2018 with respect to 'B' schedule property, the writ petitioner ventured to give a false undertaking dated 28.02.2020 and thereby obtained building permission. In case adverse orders are passed against the writ petitioner in the civil suit not only the title of the writ petitioner, but the title of respondent No.1

also would be in jeopardy. On all counts, respondent No.1 has considered the contention of all the parties and has passed a detailed reasoned order.

14. Having regard to the rival contentions, while appreciating the writ petitioner's case about there being no civil suits pending at the time of filing the building construction permit application in the year 2014, we are of the considered opinion that there is suppression of material facts while submitting the undertaking dated 28.02.2020. Had the writ petitioner revealed about the pendency of civil suits and the injunction order prevailing with respect to 'B' schedule property which is surrendered to respondent No.1 for the purpose of road construction, respondent No.1 may not have granted building permission. By no stretch of imagination a suit filed for partition wherein the title of the writ petitioner is challenged or suppression of injunction orders issued by a competent civil Court can be construed as a minor or immaterial suppression. In the circumstances, we do not see any reason to entertain W.A.No.512 of 2025 and therefore admission is denied.

15. In view of the foregoing discussion, the request of the appellant in W.A.No.525 of 2025 also cannot be acceded to.

16. In the result, both the Writ Appeals are dismissed. No costs.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of.

SD/-MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

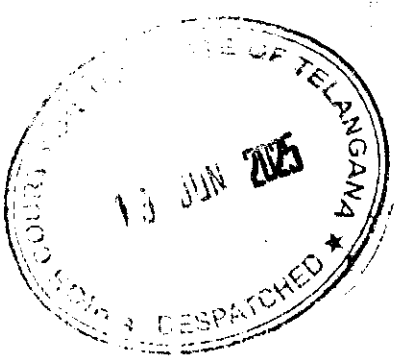
1. One CC to SRI. VEDULA CHITRALEKHA Advocate [OPUC]
2. One CC to SRI SATHVIK MAKUNURU Advocate [OPUC]
3. One CC to Ms. PRATUSHA BOPPANA Advocate [OPUC]
4. One CC to SRI. SRINIVAS RAO PACHWA (SC FOR GHMC) [OPUC]
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PA

HIGH COURT

DATED:30/04/2025



COMMON JUDGMENT

WA.Nos 512 and 525 of 2025

DISMISSING THE WRIT APPEALS WITHOUT COSTS

(7) PA 30/5/25