HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NO: 623 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 27/03/2025 in Rev. I.A.No.2/25 in W.P.No.10759 of 2024. on the file of the High Court.

Between:

1. M/s Vanitha Developers, Regd. Off at Shop No.11 to 14, 5th Floor in SD Mall Bearing Premises, D.Nos.15-8-234, 15-8-294, 15-8-295/9, 15-8-295, 15-8-295/1, 15-8-295/1/A, 15-8-295/1B, Goshamahal, Hyderabad Telangana, Rep. by its Partners 1) Praveen Kumar Jain, S/o Sri Mangilal Ji, aged 43 years, Occ. Business, R/o H.No.5-3-966, Flat NO.301, Parshwa Padmavati, Shanker Bagh, Hyderabad, Telangana.
2. Mahendra Kumar Jain, S/o Kantilal Jain, Aged about 44 years, Occ. Business, R/o H.No.5-3-831/1/2/3, Flat No.F5, Sri Sai Residency Mallakunta, Goshamahal, Hyderabad.

...APPELLANTS/REVIEW PETITIONER/ WRIT PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Saifabad, Hyderabad.
3. The Zonal Commissioner, Secunderabad Zone, GHMC, Hyderabad.
4. The Deputy Commissioner, GHMC, Circle-16, Amberpet, Hyderabad.
5. The Chief City Planner, (Town Planning Section), GHMC Complex, Tank Bund, Saifabad, Hyderabad.
6. The Asst City Planner, Circle-16, Amberpet, Hyderabad.
7. The Deputy Director Survey and Land Records, D.No.5-84-91, Karimabad Cooperative Society, Abids, Hyderabad.

...RESPONDENTS/RESPONDENTS/ RESPONDENTS

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 respondents No.2 to 6 to accord building construction permission to the house bearing Municipal No.3-5-121/E/1/6/A/3, 3-5-121/E/1/6/A4 and 3-5-121/E/1/7 totaling admeasuring 670 Sq. yards situated at Eden Garden Ramkote, Hyderabad, without considering the TSLR pending disposal of the Writ Appeal.

Counsel for the Appellants: SRI K.SAI TEJA FOR SRI RAPOLU BHASKAR
Counsel for the Respondent No.1: GP FOR MCPL ADMN & URBAN DEV
Counsel for the Respondent Nos.2 TO 6: SRI G.MADHUSUDHAN REDDY, SC FOR GHMC
Counsel for the Respondent No.7: GP FOR REVENUE

The Court made the following: JUDGMENT

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

WRIT APPEAL No.623 of 2025

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

Sri K. Sai Teja, learned counsel represents Sri Rapolu Bhaskar, learned counsel for the appellants and Sri G. Madhusudhan Reddy, learned Standing Counsel for GHMC, for respondent Nos.2 to 6.

2. With the consent, finally heard.

3. Learned counsel for the appellants submits that W.P.No.10759 of 2024 was filed with the following relief:-

> "pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of MANDAMUS declaring action of respondents in rejecting the building permission application dated 28/11/2022 vide rejection letter Lr.No 012726/GHMC/6222/SEC2/2022BP dated 02/02/2023 in respect of the house bearing Municipal Nos. 35121/E/1/6/A/3 35121/E/1/6/A/4 and 35121/E/1/7 totally admeasuring 670 square yards situated at Eden Garden Ramkote Hyderabad stating the reason as TSLR TS No. 2 BlockA ward No. 195 of Thotaguda Village Nampally Tahsil and as per TSLR Col No. 10 is recorded as ABADF and in Col No 20 is recorded as GVM EDEN BAGH as being illegal arbitrary capricious Malafide contrary to the law and against the principles of natural justice"

Learned Single Judge has dismissed the said writ petition mainly for two reasons namely— i) the petition was filed after a period of one year from the date of the impugned proceedings dated 02.02.2023 and ii) the appellants were required to establish their *prima facie* title but no material was placed on record.

4. Criticizing both the findings, learned counsel for the appellants submits that the nature of grievance of the appellants falls within the ambit of "continuous/recurring cause of action". Thus, the delay is not fatal in a case of this nature, more so, when the delay is not enormous in nature. Apart from this, the appellants placed reliance on a decision rendered in W.P.No.8497 of 2021 by contending that the said order squarely covers the instant W.P.No.10759 of 2024. There is no whisper about the said judgment in the impugned order dated 24.04.2024 passed by the learned Single Judge. This point was clearly raised by the appellants by filing review petition in I.A.No.2 of 2025 in W.P.No.10759 of 2024 and following pleadings were made in paragraph No.4 of the review affidavit:

> "4. it is submitted that this Hon'ble Court granted the house construction permission through vide W.P.No.8497 of 2021 which is filed by Ashok Mansukhalal Doshi and 3 others by set aside the rejection orders of the Municipal authorities an directed the municipal authorities to granted the

> building construction permission in the same locality the same is not appreciated by this Hon'ble Court and passed the order."

In the impugned order dated 27.03.2025 passed in review petition, learned Single Judge has not dealt with this specific ground. Learned counsel for the appellants further submits that the sale deed dated 14.09.2022 (page No.61) shows *prima facie* title in favour of the appellants. Thus, the relevant document *prima facie* establishes title in favour of the appellants but this relevant document has escaped the notice of learned Single Judge. Thus, the second finding given by the learned Single Judge runs contrary to the record. This point was specifically raised in the review petition by stating as under:-

> "2. It is submitted that the petitioners are owners, possessors and enjoyers to the house bearing Nos.3-5-121/E/1/6/A/3, 3-5-121/E/1/6/A4 and 3-5-121/E/1/7 total admeasuring 670 Sq. yards situated at Eden Garden Ramkote, Hyderabad the same was purchased under two registered sale deeds vidce Doc.No.2849 of 2020 and Doc.No.2850/2022, dated 14.09.2022 the same is not appreciated by this Hon'ble Court."

However, in the impugned review order also, this point was not considered. Thus, it is prayed that both the impugned orders dated 24.04.2024 and 27.03.2025 may be set aside and learned Single Judge may be directed to rehear the appellants and pass a fresh order in accordance with law.

5. Learned Standing Counsel for GHMC supported the impugned orders and submitted that although the aforesaid sale deed is placed on record, it is not clear about the previous events and the source of title of the vendor.

6. No other point is pressed by learned counsel for the parties.

7. A perusal of the impugned order passed in the Writ Petition shows that the contention of learned counsel for the appellants is, indeed, correct that the writ petition was dismissed for twin reasons namely— i) delay of little more than one year and ii) no *prima facie* title was shown. The learned Single Judge has not considered whether the nature of grievance of the appellants falls within the four corners of "recurring cause of action" and "continuous cause". *Secondly*, the aforesaid sale deed was, indeed, on record, which has not been considered by the learned Single Judge while deciding the writ petition as well as the review petition. *Thirdly*, the order of this Court in W.P.No.8497 of 2021 was filed with the Writ Petition and brought it to the notice of the learned Single Judge while filing review petition (paragraph No.4) but this point also has not been considered by the learned Single Judge. Thus, in our opinion,

these aspects are relevant for decision of the Writ Petition and needs consideration of the learned Single Judge. So far, argument of Learned Standing Counsel for GHMC is concerned, it is for the learned Single Judge to examine, if necessary, whether the source of title of the vendor needs to be gone into in a case of this nature. Since the appellants' Writ Petition was not dismissed on the grounds that the source of title of the vendor was not shown, we are not inclined to non-suit the appellants on this ground.

8. In view of foregoing discussions, the impugned order dated 24.04.2024 passed in W.P.No.10759 of 2024 and the impugned review order dated 27.03.2025 in I.A.No.2 of 2025 in W.P.No.10759 of 2024 are **set aside**. W.P.No.10759 of 2024 is restored to its original number. Learned Single Judge is requested to decide the W.P.No.10759 of 2024 afresh in accordance with law. Registry shall list the said Writ Petition before appropriate Bench in the first week of July, 2025.

9. The Writ Appeal is **allowed** to the extent indicated above. 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/-I. NAGALAKSHMI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Saifabad Hyderabad.
3. The Zonal Commissioner, Secunderabad Zone, GHMC, Hyderabad.
4. The Deputy Commissioner, GHMC, Circle-16, Amberpet, Hyderabad.
5. The Chief City Planner, (Town Planning Section), GHMC Complex, Tank Bund, Saifabad, Hyderabad.
6. The Asst City Planner, Circle-16, Amberpet, Hyderabad.
7. The Deputy Director Survey and Land Records, D.No.5-84-91 Karimabad Cooperative Society, Abids, Hyderabad.
8. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana, at Hyderabad.
9. The Section Officer, Posting Section, High Court for the State of Telangana, at Hyderabad.
10. One CC to SR RAPOLU BHASKAR, Advocate [OPUC]
11. Two CCs to GP FOR MCPL ADMN & URBAN DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
12. One CC to SRI G.MADHUSUDHAN REDDY, SC FOR GHMC [OPUC]
13. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
14. Two CD Copies

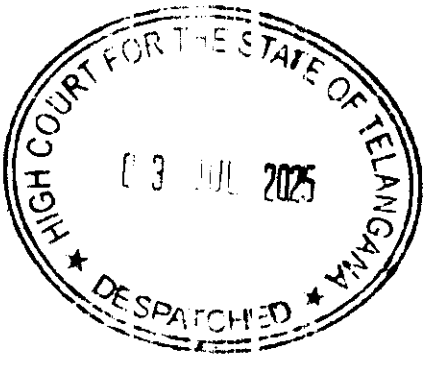
PSK.
GJP

HIGH COURT

DATED:25/06/2025

JUDGMENT

WA.No.623 of 2025



ALLOWING THE WRIT APPEAL
WITHOUT COSTS

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