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

TUESDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 36517 OF 2021 AND SUO MOTU W.P(PIL) No.4 OF 2024

W.P.NO: 36517 OF 2021

Between:

1. T.Purnachandra chary, S/o Tipparthy Ranga Chary Aged 33 years, R/o H.No. 8-2-293/82/PLN/203, Ambedkarnagar, Filmnagar, Hyderabad.
2. Shaik Ameer Pasha, S/o Shaik Moulana Aged 35 years, R/o H.No. 8-2-293/82/PLN/412, Ambedkarnagar, Filmnagar, Jublee Hills, Hyderabad.

...PETITIONERS

AND

1. The Government of Telangana, rep. by Its Principal Secretary for Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Hyderabad District.
3. The Revenue Divisional Officer, Secunderabad Division,
4. The Tahsildar, Shaikpet Mandal, Hyderabad District
5. The DSRSR Prime Spaces Ltd, Opp. Jubilee Hills Club, Jubilee Hills, Hyderabad.
6. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
7. The Station House Officer, Jubilee Hills Police Station, Hyderabad.

   (Respondent Nos. 6 and 7 are impleaded as per C.O.dt. 20.11.2024 in IA No. 1/2022.)

8. The State of Telangana, Rep. by its Principal Secretary for Environment, Forests, Science and Technology, Secretariat, Hyderabad.
9. The State of Telangana, Rep. by its Principal Secretary for Mining and Geology Department, Secretariat, Hyderabad.
10. The State of Telangana, Rep by Principal Secretary Department of Municipal Administration and Urban Development, Secretariat Building, Hyd.
11. Telangana State Pollution Control Board, Rep by its Member Secretary, A-3, Paryavaran Bhavan, Sanath Nagar Road, Sanath Nagar Industrial Estate, Hyderabad.
12. The Assistant Director of Mines and Geology, Shahpur Wadi, Adarsh Nagar, Hyderabad.

13. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Lower Tank Bund, Hyderabad.

(Respondent Nos. 8 to 13 are impleaded as per C.O.dt. 20.11.2024 in IA No. 1/2024.)

14. Commissioner of Police, Hyderabad

(Respondent No.14 is impleaded as per C.o. dt. 16-09-2025 in WP No.36517 of 2021)

...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 an order or direction more particularly one in the nature of Writ of Mandamus declaring action of the respondents particularly Respondent No. 2 in not taking action on the representation of the petitioner dated 24.11.2021 as illegal, arbitrary and un-constitution of India, and consequently direct the respondent No.2 to stop illegal activities being conducted by the respondent No.5 in the site situate in Sy.No. 403 of Padmalaya Ambedkarnagar Basti.

IA NO: 1 OF 2021

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.5 to lift the national birds i.e. peacocks and other birds and other trees lying in the site situate in Sy.No. 403 of Padmalaya Ambedkarnagar Basti to some other safest place keeping aside its development activities from the above said land while directing the respondent No.2 to consider the representation of the petitioner dated 24.11.2021, pending disposal of main writ petition.

Counsel for the Petitioners: Ms. CH.MOUNIKA FOR SRI BODA VINODHAR
Counsel for the Respondent Nos.1 TO 4: GP FOR REVENUE
Counsel for the Respondent No.5: SRI P.SRI RAGHURAM, SENIOR COUNSEL FOR SRI ARVIND GEEDIPELLI
Counsel for the Respondent Nos.6, 7 & 14: GP FOR HOME
Counsel for the Respondent No.8: GP FOR ENVIRONMENT
Counsel for the Respondent Nos.9 & 12: SRI K.GOUTHAM REDDY, AGP FOR MINES & GEOLOGY
Counsel for the Respondent No.10: GP FOR MPCL ADMN & URBAN DEV
Counsel for the Respondent No.11: SRI ZEESHAN ADNAN MAHMOOD, SC FOR TSPCB
Counsel for the Respondent No.13: --

SUO MOTU W.P(PUBLIC INTEREST LITIGATION) NO: 4 OF 2024

Between:

News article published in the Times of India English daily newspaper, dated 26-08-2024, with headline 24X7 blasting clears hillock, irks locals in Jubille Hills community

...PETITIONER

AND

1. State of Telangana, represented by its Principal Secretary, Mines and Geology Department Dr.B.R.Ambedkar Secretariat, Hyderabad
2. State of Telangana, represented by its Principal Secretary, Environment, Forests, Science and Technology, Dr.B.R.Ambedkar Secretariat, Hyderabad
3. State of Telangana, represented by its Principal Secretary, Municipal Administration and Urban Development, Dr.B.R.Ambedkar Secretariat, Hyderabad
4. Telangana State Pollution Control Board, Represented by its Member Secretary, A-3, Paryavaran Bhavan, Sanath Nagar Rd, Sanath Nagar Industrial Estate, Hyderabad
5. The Director of Mines and Geology, Shahpur Wadi, Adarsh Nagar, Hyderabad
6. The District Collector, Lakdikapul, Hyderabad.
7. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Lower Tank Bund, Hyderabad
8. Commissioner of Police,, Hyderabad

(Respondent No.8 is impleaded as per Co. dt. 16-09-2025 in SUOMOTU WP(PIL).No.4 of 2024)

...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 to issue an appropriate Writ, order or orders more particularly in the nature of Writ of Mandamus to call for records and remarks from the Respondents herein to issue necessary directions to the concerned to stop blasting of hillock near Nyay Vihar, the residential complex of the Telangana Judges at Jubilee Hills which is causing disturbance to the livelihood of the nearby residents and to prevent from the ecological imbalance and to pass.

Counsel for the Petitioner: LETTER
Counsel for the Respondent Nos.1,2,3,5 & 6: SRI MOHAMMED IMRAN KHAN, ADDL ADVOCATE GENERAL
Counsel for the Respondent No.4: SRI ZEESHAN ADNAN MAHMOOD, SC FOR TSPCB
Counsel for the Respondent No.8: GP FOR HOME

The Court made the following: COMMON ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.36517 of 2021 and SUO MOTU W.P(PIL).No.4 of 2024

COMMON ORDER:

Heard Ms. Ch.Mounika, learned counsel representing Mr. Boda Vinodhar, learned counsel for the petitioners in W.P.No.36517 of 2021, Mr. P.Sri Raghuram, learned Senior Counsel representing Mr. Arvind Geedipelli, learned counsel for respondent No.5 in W.P.No.36517 of 2021, Mr. Mohammed Imran Khan, learned Additional Advocate General appears for respondent Nos.1, 2, 3, 5 and 6 in SUO MOTU W.P(PIL).No.4 of 2024, Mr. Zeeshan Adnan Mahmood, learned Standing Counsel for the Telangana State Pollution Control Board appears for respondent No.11 in W.P.No.36517 of 2021 and respondent No.4 in SUO MOTU W.P(PIL).No.4 of 2024 and Mr. K.Goutham Reddy, learned Assistant Government Pleader for Industries and Commerce, Mines and Geology Department appears for respondent Nos.9 and 12 in W.P.No.36517 of 2021.

2. Writ petition was preferred for declaring the action of the respondents particularly respondent No.2 in not taking action

on the representation of the petitioners dated 24.11.2021 as illegal, arbitrary and unconstitutional. Petitioners also prayed for stoppage of illegal activities conducted by respondent No.5 in the site situated at Survey No.403 of Padmalaya Ambedkarnagar Basti, where certain construction activities and blasting were being carried. A public interest litigation was also instituted *suo motu* by this Court at the instance of a letter addressed by one of the sitting Judges of this Court on a news article published in "Times of India" English Daily Newspaper dated 26.08.2024 with headline "**24x7 blasting clears hillock, irks locals in Jubilee Hills community**".

3. In the present proceedings, learned Additional Advocate General representing respondent Nos.1, 2, 3, 5 and 6 in Suo Motu W.P(PIL).No.4 of 2024, learned Standing Counsel for the Telangana State Pollution Control Board and learned Senior Counsel for the private respondent appeared and filed their counter affidavits.

4. On behalf of respondent No.5, specific affidavit was filed stating that after due permission from the Commissioner of Police, Hyderabad, who is respondent No.14 in W.P.No.36517 of

2021 and respondent No.8 in Suo Motu W.P(PIL).No.4 of 2024, the blasting operations have been carried out. The operations have come to a close on 03.06.2025.

5. On the previous occasion, learned Additional Advocate General was allowed time to get complete instructions on the issue referred to in the order dated 28.08.2025 as regards the competent authority, who is empowered under the relevant statute to permit use of explosives for carrying out blasting at the site in question since there appear to be some doubt as to the powers of the Commissioner of City Police, Hyderabad to grant such permission where use of explosives are required for blasting within the precincts of the city.

6. A comprehensive affidavit has been filed by the Commissioner of Police, Hyderabad. The relevant extract of the affidavit is incorporated hereunder:

> "4. It is further respectfully submitted that the said M/s. Patel Mining and Infra Projects submitted representation dated. 12.05.2021 wherein they stated that, they are having Technical Data, safety procedures and precautions in connection with Hard Rock Excavation works with mild controlled blasting operation for the above said Project. The said firm of M/s. Patel Mining and Infra Projects also claimed

to be doing the control blasting operations, since last 25 years in and around Hyderabad for various projects, in Cyberabad, Hyderabad and Rachakonda Commissionerate limits, without any incident or near miss at any of its projects. The said firm, in its covering letter also stated that it follows and strictly implements the procedures and safety precautions during the control blasting operations during the execution. i.e., (i). A pre-blast survey will be conducted at the blasting site by a Mining Engineer and a subsequent blasting design will be arrived based on the site conditions and proximity of site to the nearby structures. (ii). Authorized permit holder Shot Firer will only conduct the blasting operations on a daily basis. (iii). The Permit holder will undertake the blasting through the controlled mild blasting system to avoid inconvenience to the General public and neighbours. (iv). Silent blasting technique with short timer was adopted to minimize the air blast overpressure generated through blasting. The control blasting is carried out in the site under conditions that only have a minimal effect radius of 20 meter and it does not impact nearby buildings. Also to reduce the noise Pollution, 150 Mufflers are used and the effects of each blast are measured with seismograph by its team. (v). Blasting operation will be carried out as per the approved time lines. (vi). To control fly rocks adequate matting will be done by using Rubber mats to control fly rocks, (vii). The Petitioner will install PPV measurement device (Seismographs) for monitoring of the Frequency, Vibration and Noise for each blasting on site. (viii). 4 No's of CO Extinguishers of 4.5 Kgs each and FIVE DCP extinguishers of 5 Kgs will be kept in the premises. (ix). 4 NO's Fire points consisting of 4 Nos. of Fire Buckets each duly filled with dry sand will be provided. (x). First Aid Medical box with its complete equipment will be kept on site. (xi). No Smoking boards will be displayed at various points and smoking will be strictly prohibited in the premises.

(xii). Dedicated, Mining Engineers, Safety officers, experienced Engineers and Supervisors will be deployed on site, to ensure safer blasting operations. Hence the application of the firm M/s. Patel Mining and Infra Projects was supported by the applicant seeking license, the Respondent herein issued the license for carrying on blasting operations. This is the usual mode and practice for issuing license for any blasting operation under my jurisdiction.

5. The said firm of Mis. Patel Mining and Infra Projects further stated that, it will follow a standard operating procedure, and follow a detailed checklist for the Pre & Post blasting operations on site for every blast. The said firm M/s. Patel Mining and Infra Projects herein, therefore in view of the detailed safety measures as enumerated above duly assured the 8th Respondent that, it would implement all the safety procedures and precautions during the excavation of hard rock by control blasting method at the said location and till the completion of the works. Hence based on the certificates produced, assurances given as well as verification of the track record of the certificates granting them permissions from the concerned offices to conduct and deal in as well as purchase explosives to carry out blasting operations and the same was also supported by their assurances in writing as well as their earlier track record, the permission to carry out blasting operations was granted. This procedure and authority has been devolved upon the concerned Commissioner of Police, in this case, the Hyderabad City Police Commissioner, under section 21 (1) (f) of the Hyderabad City Police act, 1348 Fasli (1939 A.D.).

6. It is respectfully submitted that after communication of the above SUOMOTU WP (PIL), the 8th Respondent (and even before being impleaded, through the Station House Officer,

Filmnagar Police Station) got conducted enquiry through proper channel and it is revealed that the said blasting operation by said firm was being commenced and completed by following due process and between the prescribed timings i.e., 10:00 AM., to 04:00 PM. Moreover, the 8th Respondent is regularly monitoring the commencement of work and that the same is going through the prescribed procedure.

7. It is further respectfully submitted that the 8th Respondent herein also obtained reports from the inspecting officers. As per the report it revealed that the land premises bearing No. TS-1, Block-F, Ward No. 9 Co-related to Sy No. 403/P situated in Film Nagar, Shaikpet Village & Mandal, Hyderabad District with an extent of Ac. 10-00 Guntas of open land, admeasuring of 48,400 square yards which was jointly owned by M/s. DSR-SR Prime Spaces, LLP., 2) Hindu Projects and they proposed to build Multistoried Complex in the said land. Furthermore, the above said M/s, DSR-SR Prime Spaces LLP firm has Part of contract to M/s. Patel Mining and Infra Projects for drilling, controlled blasting and excavation work in the above said land for building development and the same was made agreement between them for Hard Rock Excavation Works with mild controlled blasting Operations at site situated at TS-1, Block-F, Ward 9, Old Sy No. 403/p. Film Nagar, Shaikpet (V&M), Hyderabad. The said proposed controlled blasting at TS-1, Block-F, Ward-9, Old Sy.No.403/p. Film Nagar, Shaikpet (V&M), Hyderabad is to the East side of Rama Naidu Studios. Phoenix under construction building is on its West side. One open land belongs to Anand Cine services is in the North Side. One Bharani Layout is located in the South side of the proposed blasting site, which is about 600 meters distance from the blasting site and one pond is in-between the site and Bharani Layout. There is one Padmalaya Ambedkar Nagar residential

area is about 700 meters from the site towards West side and some Government vacant land is in between the site and Ambedkar Nagar colony. The control blasting in the site is carried out under the technical supervisors of the competent persons working with M's. Patel Mining and Infra Projects and the same has a minimal effect radius of 20 meter and it does not impact nearby building. Further to mitigate noise pollution 150 Mufflers are used. No complaints regarding noise pollution have been received so far. Later, upon the request of the applicant, extension was granted every (3) months from time to time based on the enquiry reports of the concerned Inspecting Officers. The last extension permission granted was valid up to 30.06.2025. The Commissioner of Police, Hyderabad City Police Commissionerate, in exercise of the powers conferred Under Section 21 (1) (1) (5) of the Hyderabad City Police Act, Extension of license was also granted to the said firm M/s. Patel Mining and Infra Projects, and it has also been reported that the said blasting activity has been completed.

The permission granted by the Commissioner of Police, Hyderabad is based on the following report of various Departments.

1. License Form LE-3 (License to possess for use, explosives of class 1,2,3, 4, 5, 6 or 7 in a Magazine), issued by Joint Chief Controller of Explosives, Secunderabad.

2. License Form LE-7 (License to transport explosive in a road van), issued by Joint Chief Controller of Explosives, Secunderabad.

3. License Form LE-10 (Certificate of Competency to carryout blasting of explosives in area not coming under the Mines Act,

1952), issued by Joint Chief Controller of Explosives, Secunderabad.

4. Work order between builder i.e., M/s DSR-SR Prime spaces LLP -contractor M/s BSS Earth Movers.

5. Contractor M/s BSS Earth Movers awarding the work order to M/s Patel Mining infra Project for control blasting.

6. Copy of site plan.

7. GHMC issued Permission to M/s DSR-SR Prime spaces LLP for residential building construction.

8. Enquiry reports from DCP, West Zone / ACP, Jubilee Hills / SHO, Jubilee Hills PS.

The permission is being issued as per the statutorily laid out procedure by the Commissioner of Police.

8. It is respectfully submitted that the said firm of M/s. Patel Mining and Infra Projects submitted declaration dated. 09.07.2025 to the 8th Respondent intimating about the completion of Hard Rock Excavation work at Old Sy. No. 403/p, Film Nagar, Shiakpet Village and Mandal, Hyderabad.

9. It is respectfully submitted that the controlled blasting permission was granted upto 30.06.2025 and the blasting work was completed. Since then, no blasting permission was granted in the limits of Hyderabad city."

7. Learned Additional Advocate General submits that under Section 21(1)(f)(v) of the Hyderabad City Police Act, 1348-F, the Commissioner of Police is empowered to issue licence for blasting in an area falling within the jurisdiction of the

Hyderabad City Police Act, 1348-F. The Commissioner of Police, on application made with supporting documents, also receives inputs from the Petroleum and Explosive Safety Organization as also the local Deputy Commissioner of Police and on being satisfied with compliance of the statutory requirements only, issues permission to carry out blasting in the area within the city precincts. The affidavit enumerates the number of statutory licences including those from the Department of Explosives, which were produced by the private respondent, on consideration of which the permission was granted to carry out the blasting work. He submits that the controlled blasting permission was granted up to 30.06.2025 and it is completed. Since then, no blasting permission has been granted in the limits of Hyderabad city.

8. Learned Additional Advocate General submits that therefore, the purpose of the instant writ petition and the public interest litigation has been served, it may be closed. Learned Senior Counsel representing the unofficial respondent submits that the entire operation of blasting for carrying out the construction work has been carried out, in accordance with law, and after obtaining the statutory permissions from the

Department of Explosives and the Commissioner of City Police in terms of the Explosives Act, 1884 and the Hyderabad City Police Act, 1348-F. He has taken this Court to the relevant provisions, Rules and the Schedule of the Explosive Substance Act, 1908 and provisions under Section 21(1)(f)(v) of the Hyderabad City Police Act, 1348-F and submitted:

8.1. The power of the Commissioner to issue licence under the Hyderabad City Police Act, 1348-F takes into account the necessary permissions or licences required under the Explosive Substance Act, 1908 also.

8.2. Provision pertaining to '5. Arms, firearms, ammunition and explosives' has been included under Entry/Item 5 of List I-Union List, of Seventh Schedule (Article 246) under the Constitution of India.

8.3. While so, provisions pertaining to '1. Public order (but not including the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof in aid of the civil power). 2. Police (including railway and village police) subject to the provisions of entry 2A of List I' have been

included at Entry/Items 1 and 2 of List II-State List of Seventh Schedule (Article 246) under the Constitution of India.

8.4. As such, the doctrine of incorporation is not applicable as there is no interplay between the Explosives Act, 1884 and the Hyderabad City Police Act, 1348-F.

8.5. Under the Explosives Act, 1884, provisions that pertain to licensing and permissions are Sections 6, 6A and 6B. Furthermore, Schedule IV, Part 1 of the Explosives Rules, 2008 provides the complete list of Licences and licensing authorities such as Chief Controller or Controller of Explosives and District Magistrate for the purposes of licence for manufacturing of various categories of explosives.

8.6. On the other hand, Section 21(1)(f)(v) of the Hyderabad City Police Act, 1348-F pertains to the Power to make rules for regulation of traffic and for preservation of order and reads as follows:

> "21. (1) The Commissioner of City Police, Hyderabad may, from time to time, make rules not inconsistent with this Act in respect of the following. Such rules shall, in case of clauses (b) and (c), be subject to the control of the Government and with regard to the remaining

clauses, sanction of the Government shall be obtained prior to the enforcement of rules....

(f) licensing for or regulating the following matters and where it is likely to cause inconvenience, delay, danger or damage to the residents or the persons passing in the vicinity, prohibiting:

(i) the keeping of a place of public amusement or place of public entertainment;

(ii) the playing of music in public streets or public places,

(iia) the using of a loud-speaker in any public place or places of public entertainment;

(iii) the illumination in public street or public place, or on any building adjacent to the public street, by persons other than Government or Municipal officers authorised in this behalf;

(iv) the carrying through public streets or places of gun-powder or other explosive substances;

(v) blasting."

8.7. The Hyderabad City Police Act, 1348-F also lists the Directions and Notifications issued under Hyderabad City Police Rules. Under the said Directions and Notifications, detailed procedure to be followed for obtaining a licence, the cautions to be exercised, the conditions to be fulfilled are enumerated under 'X. Notification issued by the Head Office of the City Police, Hyderabad. Sub: Rules regarding permissions for

blasting the preventive measures and method of blasting' dated 2nd Afanadar of the month of Mahe, 1345 Fasli'.

8.8. As such, the powers of the Commissioner of Police are governed by a statute and the role is primarily for maintenance of public safety and public order. Therefore, the nature of power is completely unrelated to and distinct from those under the Explosives Act, 1884. There is no overlap between the two Acts and is evidence from the nature of duties and powers attributed to the licensing authority under the two Acts i.e., the Explosives Act, 1884 and the Hyderabad City Police Act, 1348-F.

8.9. The discretion of the Commissioner is amply supported by rules and notifications and as such are not unbridled powers and are guided by the statutory provisions, the rules and notifications and principles of administrative law.

9. On consideration of the rival submissions of the parties, this Court is of the view that the impugned exercise of blasting was carried out after statutory compliance on behalf of the unofficial respondent and upon permission granted by the Commissioner of Police, Hyderabad, in accordance with law.

10. Therefore, the Writ petition and Suo Motu W.P(PIL) are accordingly closed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-B. REKHA RANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI BODA VINODHAR, Advocate [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
4. Two CCs to GP FOR ENVIRONMENT, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CCs to GP FOR MINES & GEOLOGY, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CCs to GP FOR MPCL ADMN & URBAN DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
7. Two CCs to ADDL. ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad. [OUT]
8. One CC to SRI ARVIND GEEDIPELLI, Advocate [OPUC]
9. One CC to SRI ZEESHAN ADNAN MAHMOOD, SC FOR TSPCB [OPUC]
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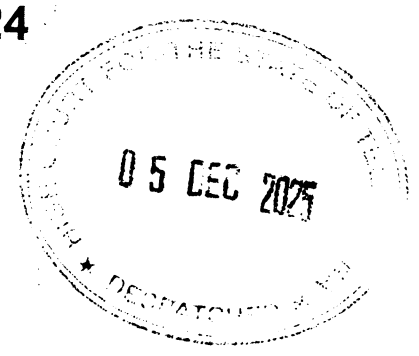
PSK.
LS

HIGH COURT

DATED:23/09/2025

COMMON ORDER

WP.No.36517 of 2021
AND
SUO MOTU W.P(PIL).No.4 OF 2024



CLOSING OF THE WRIT PETITION AND SUO MOTU W.P(PIL).No.4 OF 2024 WITHOUT COSTS

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kpv
2/12/25