

IN THE HIGH COURT FOR THE STATE OF TELANGANA

**AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 28166 OF 2026

Between:

Ghouse Mohidden, S/o. M.F.Shareef, Age. 82 Years Occ. Retired, R/o. Plot No.29 and 30, Survey Nos.41/12 and 41/13, Khanamet (V), Serilingampally (M), Ranga Reddy District, T.S.

...PETITIONER

AND

1. The State of Telangana, , Rep by Principle Secretary Municipalities administration Urban development, Secretariat Hyderabad.
2. The State of Telangana,, Rep by its Principle Secretary Revenue Assignment Department, Secretariat Hyderabad.
3. The Cyberabad Municipal Corporation,, Rep by its Commissioner, at NAC Building, Hitex Madhapur, Hyderabad, T.G.
4. The Cyberabad Municipal Corporation,, Rep by Deputy Commissioner, Madhapur Circle 50, Kukatpally Zone, Ranga Reddy District.
5. The City Planner,, Serilingampally, Ranga Reddy District.
6. The District Collector,, Integrated District Office Complexes, Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District, Telangana 501510.

...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 writ order or direction more particularly one in the nature of writ of Mandamus and

declaring the action of the respondent No.3, 4 and 5 in issuing Shortfall Letter vide File No.058259/CMC/01797/IABP/C50/2026 dated 01-06-2026 to the Building permission of the petitioner vide Provisional Building Permit order vide File No.058259/CMC/01797/IABP/C50/2026 dated 17-05-2026 as being illegal arbitrary discriminatory, contrary to the provisions of GHMC ACT 1955 and contrary to the judgement passed this Honourable court in WP.No.23214/2026 dated 20/07/2026, WP.No.9710/2026 dated 23-06-2026 and WA.No.67/2023 dated 19-01-2023 and consequently set aside the above the Shortfall Letter vide File No.058259/CMC/01797/IABP/C50/2026 dated 01-06-2026 issued by respondent No.3, 4 and 5 and to process the Building application and issue work permit order in respect of Plot No.29 and 30, in Survey Nos.41/12 and 41/13, admeasuring 425 Sq. yards., situated at Khanamet (V). Serilingampally (M), Ranga Reddy District, T.S., and bounded by North. 40 Ft. Wide Road. South. 30 Ft. Wide Road, East. Plot Nos.27 and 28, West. Plot Nos.31 and 32.,

I.A. NO: 1 OF 2026

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 set aside the Shortfall Letter vide File No.058259/CMC/01797/IABP/C50/2026 dated 01/06/2026 by directing the respondent No.3, 4 and 5 to process the Building permit File No.058259/CMC/01797/IABP/C50/2026 dated 17-05-2026 and issue -work permit order in respect of Plot No.29 and 30, in Survey Nos.41/12 and 41/13 admeasuring 425 Sq. yards., situated at Khanamet (V). Serilingampally (M), Ranga Reddy District, T.S., and bounded by North: 40' Ft. Wide Road; South: 30' Ft. Wide Road; East: Plot Nos17 and 28, West: Plot Nos.31 and 32.

Counsel for the Petitioner: SRI. THAKUR ROOPA SINGH

Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV

**Counsel for the Respondent No.2 & 6: SRI MOHD HABEEBUDDIN,
AGP FOR ASSIGNMENT**

Counsel for the Respondent No.3,4 & 5 SRI K. RAVI MAHENDER, SC FOR GHMC

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.28166 OF 2026

DATE:31-08-2026

Between:

Ghouse Mohidden

... Petitioner

AND

The State of Telangana,
Rep. by Principal Secretary,
Municipalities Administration
Urban Development,
Secretariat, Hyderabad,
and five others.

... Respondents

ORDER: (ORAL)

Heard Ms. Thakur Roopa Singh, learned counsel for the petitioner; learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1; Mr. Mohd. Habeebuddin, learned Assistant Government Pleader for Assignment, appearing for respondent Nos.2 and 6; and Mr. K. Ravi Mahender, learned Standing Counsel for GHMC, appearing for respondent Nos.3, 4 and 5; and perused the material on record.

2. Learned counsel for the petitioner placed reliance on the order dated 26.10.2022 passed by this Court in W.P.No.24451 of 2022 and affirmed by the judgment of the appellate Court in

W.A.No.67 of 2023 dated 19.01.2023 and submitted that pursuant to the said order, building permission was granted to the petitioner therein in respect of the subject property therein and requested this Court that similar order may be passed in this writ petition. The said submission is not opposed by the learned Standing Counsel for GHMC and learned Assistant Government Pleader for Assignment.

3. It was held in para 5 of the judgment in W.A.No.67 of 2023 as under:

"5. Learned Single Judge referred to and relied upon a decision of this Court in **Hyderabad Potteries Private Limited v. Collector, Hyderabad District**¹ whereafter she came to the conclusion that refusal on the part of the appellants to grant building permission was not justified. All that appellants were required to ascertain was prima facie title and possession of the applicant. As a matter of fact, learned Single Judge found that building permissions for construction of several buildings in the same survey number were granted by the appellants earlier. If it is government or assigned land, appellants could not have granted such building permission. Learned Single Judge vide the order dated 26.10.2022 allowed the writ petition holding as follows:

"In the light of the law laid down by this Court, while granting permission to the applicant, they can only look at the prima facie title and lawful possession, apart from that they cannot insist for NOC from the Revenue or any other department. It is the specific case of the petitioner that the petitioner – company has entered into a development agreement-cum-GPA with one Sri B.

¹ 2001 (3) ALD 600

Raghuveera, who is the owner and possessor of land in Plot Nos. 21, 22 Part, 27 Part and 28 admeasuring 795.40 square yards forming part of Survey No. 41/8 & 9 of Khanamet Village, Serilingampally Mandal, Ranga Reddy District vide document dated 22.02.2022. Further, it is the case of the petitioner that there are several buildings constructed and the municipality has granted permission. When the counter is silent on this aspect, it has to be presumed that the respondent Corporation is admitting the fact that they have granted permission in the very same locality. Further, it is the case of the respondents that the lands in Sy.No. 41/1 to 41/13 situated at Khanamet Village of Serilingampally Mandal are government lands and are attracted by the provisions of Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 and further several litigations are also pending on subject lands, it is not stated on what basis they have granted permission in favour of other persons.

5. In the light of the law laid down in Hyderabad Potteries Case (supra) and also in the light of the order passed by the Division Bench of this Court in Writ Appeal No. 403 of 2022, dated 05.07.2022, the order impugned is set aside. The respondents shall process the building Application of the petitioner in accordance with law without insisting on production of 'NOC' from the revenue authorities and without taking into consideration the letter of the District Collector dated 06.11.2018.

6. The Writ Petition is accordingly, allowed. There shall be no order as to costs."

4. In the circumstances, this writ petition is disposed of, directing respondent No.4 to reconsider the building permission of the petitioner vide File No.058259/CMC/01797/IABP/C50/2026 dated 17.05.2026 in respect of residential building consisting of Stilt for Parking + 3 upper floors on Plot Nos.29 and 30, admeasuring 425

square yards, in Survey Nos.41/12 and 41/13 situated at Khanamet Village. Serilingampally Mandal, Ranga Reddy District, without reference to the impugned shortfall letter dated 01.06.2026 and without insisting for production of No Objection Certificate (NOC) from the Revenue authorities. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

//TRUE COPY//

Sd/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR



SECTION OFFICER

To,

1. The Principle Secretary Municipalities administration Urban development, State of Telangana, Secretariat Hyderabad.
2. The Principle Secretary Revenue Assignment Department, State of Telangana, Secretariat Hyderabad.
3. The Commissioner, Cyberabad Municipal Corporation, at NAC Building, Hitex Madhapur, Hyderabad. T.G.
4. The Deputy Commissioner, Cyberabad Municipal Corporation, Madhapur Circle 50, Kukatpally Zone. Ranga Reddy District.
5. The City Planner., Serilingampally, Ranga Reddy District.
6. The District Collector., Integrated District Office Complexes, Kongara Kalan Village, Ibrahimpatnam Mandal, Ranga Reddy District, Telangana 501510.
7. One CC to SRI. THAKUR ROOPA SINGH, Advocate [OPUC]
8. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, at Hyderabad [OUT]
9. Two CCs to GP FOR ASSIGNMENT, High Court for the State of Telangana, at Hyderabad [OUT]
10. One CC to SRI K. RAVI MAHENDER, SC FOR GHMC [OPUC]
11. Two CD Copies

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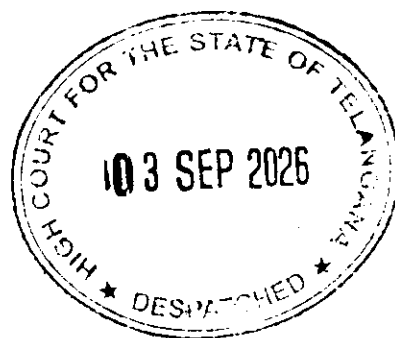
HIGH COURT

CC TODAY

DATED: 31/08/2026

ORDER

WP.No.28166 of 2026



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

15 (SKT)
31/08/26