

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI

Writ Appeal No.982 of 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Heard Sri P.Venugopal, learned Senior Counsel appearing on behalf of the appellant herein (4th respondent in the writ petition), Sri V.R.N.Prashanth, learned counsel for the 1st respondent-writ petitioner, and Sri P.Keshava Rao, learned Standing Counsel for the GHMC and, with their consent, the writ appeal is disposed of at the stage of admission. This appeal, under Clause 15 of the Letters Patent, is preferred against the *ad interim* order passed by the Learned Single Judge in W.P.No.22424 of 2017 dated 11.07.2017.

While directing that the matter be posted after two weeks along with W.P.No.17996 of 2017, the Learned Single Judge directed the 1st respondent-writ petitioner not to make any substantial constructions except the alteration. The respondents in the Writ Petition were directed not to demolish the subject building.

While Sri P.Venugopal, learned Senior Counsel appearing on behalf of the appellant herein (4th respondent in the writ petition), would submit that even alteration of the building requires prior permission under Sections 428 and 433 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short "the Act"), Sri V.R.N.Prashanth, learned counsel for the 1st respondent-writ petitioner, would state that the subject building is a ground + first floor structure; the structure is intact; no additions have been made to the subject building; and all that the 1st respondent-writ petitioner is undertaking is the beautification of an old building.

The questions whether the 1st respondent-writ petitioner is making alterations, and whether such alternations require prior

permission under Sections 428 and 433 of the Act etc, are all matters which can as well be urged before the Learned Single Judge, by the appellant herein, by filing a petition to vacate the interim order.

Sri P.Venugopal, learned Senior Counsel appearing on behalf of the appellant, would submit that, since the appellant was heard before the impugned order was passed, it may be construed later that they are not entitled to file a petition to vacate the interim order.

The order under appeal does not even record the appellant having been heard. In any event, the order under appeal was passed at the stage of admission, and not after the appellant herein had filed their counter affidavit. Suffice it, therefore, to make it clear that the appellant herein (4th respondent in the writ petition) is entitled to file a petition, seeking vacation of the interim order before the Learned Single Judge, and any alteration made by the respondent-writ petitioner within the subject building shall be subject to the result of the writ petition.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

20th July, 2017
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**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Writ Appeal No.982 of 2017

Date: 20.07.2017

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