

**THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.23157 of 2017**

**ORDER:**

An order bearing No.UC/795/TPS/C18/GHMC/2016-17, dated 07.07.2017, passed by the third respondent is under challenge in the present writ petition.

2. Heard Sri G.Kalyan Chakravarthy, learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development (Telangana) for respondent No.1 and Sri P.Kesava Rao, learned Standing Counsel for respondent Nos.2 and 3.

3. By way of order under challenge, the third respondent rejected the BRS application filed by the petitioner. When the matter is taken up, a preliminary objection as to the maintainability of the writ petition is raised by the learned Standing Counsel by contending that as per Rule 11 (a) of the Telangana Regulation of unauthorizedly constructed buildings and buildings constructed in deviation of the sanctioned plan Rules, 2015 notified vide G.O.Ms.No.152, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015, as against the orders impugned, appeal lies to the Appellate Committee constituted by the Government and, without availing the same, the present writ petition is filed directly before this Court and, on this count alone, the present writ petition is liable to be dismissed.

4. Rule 11 of the said Rules reads as under:

**“11. Appeal:-**

(a) Any applicant aggrieved by an order passed by the Competent Authority under Rule 6, may prefer an appeal to the Committee constituted by the Government within thirty days from the date of receipt of the order provided the applicant has paid the necessary charges and submitted documents as specified in Rule 3 and 5 of these rules.”

5. In view of said efficacious remedy available to the petitioner, this Court is not inclined to entertain the present writ petition. Accordingly, the writ petition is disposed of, with a liberty to the petitioner to file an appeal against the order impugned in the present writ petition before the Appellate Committee constituted by the Government, as per Rule 11 (a) of the Rules notified vide G.O.Ms.No.152, dated 02.11.2015, within a period of ten days from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner within the time stipulated, the same be considered and appropriate orders be passed in accordance with law, after affording due opportunity to the petitioner, within three weeks thereafter. Till the appeal is disposed of by the Appellate Committee, the interim order granted by this Court on 13.07.2017 shall continue to operate.

6. With the above observation, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

**A.V. SESA SAI, J**

Date: 04.09.2017

Note: Issue CC by 06.09.2017.  
B/o. TJMR