

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Mr. JUSTICE M. GANGA RAO

**Writ Appeal No.1418 OF 2017**

**Judgment:** (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the learned Single Judge in W.P.M.P. No. 32533 of 2017 in W.P. No. 26232 of 2017 dated 15.9.2017.

The appellant herein is the 3<sup>rd</sup> respondent in the writ petition. The 1<sup>st</sup> respondent herein filed the writ petition seeking a mandamus to declare the proceedings of the Commissioner, Greater Hyderabad Municipal Corporation (GHMC) dated 16/19.6.2017 as illegal, null and void; and to set aside the same. By way of an interim order, the 1<sup>st</sup> respondent sought interim suspension of the letter of the Commissioner, GHMC dated 16/19.06.2017.

By the order under appeal, the learned Single Judge directed status-quo in respect of the subject property pursuant to the impugned proceedings dated 16/19.6.2017.

Sri O. Manohar Reddy, learned counsel for the appellant, would submit that, while the appellant has no objection for the interim relief, sought for by the 1<sup>st</sup> respondent-writ petitioner, being granted, the learned Single Judge had travelled even beyond the scope of the writ petition in granting an order of status-quo. Learned counsel would submit that the writ petition is filed on the basis of orders passed earlier, which are no longer in force; on the

basis of such orders, the order of status-quo was passed; and the said order should be set aside.

Sri Metta Chandrasekhar Rao, learned counsel for the 1<sup>st</sup> respondent-writ petitioner, would allege fraud, fabrication of documents and cheating. He would state that the 1<sup>st</sup> respondent-writ petitioner's land is being grabbed by the appellant, by changing the boundaries, executing a ratification deed, and showing the 1<sup>st</sup> respondent's land as belonging to the appellant; and ends of justice would only be met if the appellant is prosecuted for his acts of fabrication and forgery.

As the writ petition is still pending adjudication before the learned Single Judge, all these questions as to whether the appellant-third respondent had indulged in acts of forgery or fabrication would necessitate examination therein. The interim relief sought for is, in effect, the main relief sought for in the writ petition; and, ordinarily, this Court would not grant such a relief. However, since Sri O. Manohar Reddy, learned counsel for the appellant, consents for such an order to be passed, the order under appeal is modified; and, as sought for by the 1<sup>st</sup> respondent-writ petitioner, there shall be interim suspension as prayed for, during the pendency of the Writ Petition. It is made clear that the interim order passed by us in WPMP No. 32533 of 2017 would not preclude the 1<sup>st</sup> respondent-writ petitioner from filing any other application before the learned Single Judge to seek such other reliefs as are considered appropriate.

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

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**(RAMESH RANGANATHAN, ACJ)**

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**(M. GANGA RAO, J)**

22<sup>nd</sup> September, 2017

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