

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT APPEAL No.761 of 2018

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

Heard Sri Prabhakar Sripada, learned Counsel for the appellant, Sri Mirza Nisar Ahmed Baig, learned Counsel for the 1st respondent-writ petitioner and Sri N.Ashok Kumar, learned Standing Counsel for GHMC and, with their consent, the Writ Appeal is being disposed of at the stage of admission.

This appeal is preferred by the 6th respondent in the writ petition aggrieved by the order passed in W.P.No.20880 of 2017 dated 30.04.2018. The 1st respondent herein filed the said writ petition questioning the action of the respondents therein, in not considering his representation dated 16.05.2017 seeking demolition of the illegal and unauthorized construction of the subject premises carried out by the appellant-respondent No.6 in the light of the order passed by this Court in W.P.No.29410 of 2010 dated 21.12.2011 and the order passed in W.A.No.70 of 2012 dated 18.07.2012, as arbitrary and illegal.

The appellant herein filed O.S.No.1751 of 2011, which was dismissed by the IV Junior Civil Judge, City Civil Court, Hyderabad, by his order dated 28.02.2018. Aggrieved thereby, the appellant herein filed A.S.No.98 of 2018 before the Chief Judge, City Civil Court, Hyderabad. On the case being made over to the XI

Additional Chief Judge, City Civil Court, Hyderabad, an order of *status quo*, as on the date of the order, was passed in I.A.No.521of 2018 in A.S.No.98 of 2018 dated 24.04.2018. During the pendency of the suit, the 1st respondent herein had filed W.P.No.20880 of 2017 and the said writ petition was allowed by the learned Single Judge by the order under appeal. Though the order of *status quo* passed in I.A.No.521of 2018 in A.S.No.98 of 2018 dated 24.04.2018 was brought to the notice of the learned Single Judge, he observed that the said order of *status quo* would enure to the benefit of the appellant only to the extent of permission, if any, granted by the GHMC and not beyond that.

It is necessary to note that the order passed by the XI Additional Chief Judge, City Civil Court, Hyderabad, in I.A.No.521of 2018 in A.S.No.98 of 2018 dated 24.04.2018 was not even under challenge in W.P.No.20880 of 2017. As the said interim order of the XI Additional Chief Judge, City Civil Court, Hyderabad is a judicial order, it could have been interdicted only in legal proceedings wherein the said order is subjected to challenge. As the said order was not under challenge in W.P.No.20880 of 2017, the learned Single Judge could not have restricted the scope of the said order, and confined it only to the extent of permission, if any, granted by the GHMC. On this short ground alone, the order under appeal is liable to be, and is accordingly, set aside. Needless to state that this order shall not disable the 1st respondent-Writ Petitioner or the GHMC from questioning the validity of the order passed by the

XI Additional Chief Judge, City Civil Court, Hyderabad, in I.A.No.521of 2018 in A.S.No.98 of 2018 dated 24.04.2018, in appropriate legal proceedings.

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

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

05.06.2018
Gsn.



