

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No.135 of 2019

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned Senior Counsel for the appellants and the learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC).

2. Under challenge before the learned Single Judge in the writ petition was a matter relating to a demolition proceedings in relation to a structure. Initially, an order of *status quo* was granted. That was refused to be extended; and stood vacated; as per the interlocutory order, which is challenged in this intra-Court appeal under Clause 15 of Letters Patent.

3. It is not in dispute that the structure; going by the submissions of GHMC; is one in defeasance of the applicable laws has been erased and that the proceedings for cancellation of permit are pending consideration in yet another writ petition. The cancellation proceedings were issued on 22.10.2018.

4. The learned Senior Counsel for the appellants argued that if the demolition itself is unlawful; it is an issue to be gone into. That may be so. However, we are not concerned with that in this writ appeal because the writ petition itself is pending and the fact of the matter remains that the structure has been demolished. Therefore, the correctness or otherwise of the cancellation proceedings are matters which are sub judice in the two writ petitions; one from which this writ appeal arises and another which is also pending.

5. Insofar as the disputes between the parties are concerned, the learned Single Judge through the impugned interlocutory order, which states reasons for its issuance, has found that there was a suit before the Civil Court and an order of injunction was initially granted. On the response filed by the GHMC, the Civil Court has taken note of the relevant facts and has vacated the injunction. The learned Single Judge has also drawn inference that even in the counter affidavit filed before the Civil Court, the GHMC has categorically stated about the service of notice. It is unnecessary to now consider that issue in connection with the interlocutory application from which this appeal arises.

5. For the aforesaid reasons, we do not see any ground to interfere with the impugned interlocutory order. We leave all issues open for being considered in the writ petition from which this appeal arises as well as in the writ petition stated to have been filed challenging the cancellation proceedings issued on 22.10.2018.

6. The writ appeal is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

Date: 13.03.2019
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