

High Court for the State of Telangana

**THE HONOURABLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

**I.A.Nos.1 & 2 of 2019
IN/AND
W.A.No.806 of 2019**

Date: 06.11.2019

Between:

M/s Kisan, a registered partnership firm,
Rep. by its Managing Partner, Dhanpal Suryanarayana

... Appellant

A N D

M/s Sri Vinayaka Sai Constructions and Developers,
Rep. by its Partner Md.Shafi
and another

... Respondents

Counsel for the appellant/3rd party : Mr.Vedula Venkataramana

Counsel for the respondent No.2 : Mr.N.Praveen Kumar,
SC for Municipality

The Court made the following:

COMMON JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

M/s Kisan, a third party, has sought leave of this Court for challenging the order dated 26.07.2019 passed by a learned Single Judge, in I.A.No.1 of 2019, in W.P.No.15689 of 2019, whereby in the writ petition filed by M/s Sri Vinayaka Sai Constructions and Developers against the Kamareddy Municipality, the learned Single Judge had directed that the cellar and the floors constructed above the stilt+2 upper floors shall be under lock and key of the respondent-Municipality, and the petitioner therein was permitted to use only the permitted area.

Mr.Vedula Venkataramana, the learned senior counsel for the appellant, M/s Kisan, pleads that the appellant happens to be the tenant of M/s Sri Vinayaka Sai Constructions and Developers. It has occupied all the four floors of the building. Since the 4th floor is now under lock and key, the said floor is inaccessible to the appellant. Therefore, he seeks liberty to have the goods shifted from the 4th floor.

However, considering the fact that the impugned order has been passed in an interlocutory application, the appellant is free to have itself impleaded as a party before the learned Single Judge, and to seek the modification of the order dated 26.07.2019. Therefore, this Court declines to grant leave to the appellant to challenge the impugned order.

Therefore, I.A.No.1 of 2019 and the contempt appeal are hereby dismissed. There shall be no order as to costs.

Consequently, I.A.No.2 of 2019 filed for condonation of delay in filing the appeal and other miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A.ABHISHEK REDDY, J)

06th November, 2019

Lrkm

