HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL NO: 1360 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order dated. 16-07-2024, Passed in W.P.No.18594 of 2024 on the file of the High Court.

Between:

HUDA Saroornagar Commercial Complex, Shops Lessees Association, HUDA (HMDA) Saroornagar Commercial Complex, Saroornagar, R.R. District. Rep. by its General Secretary by O. Arjun, S/o. O. Srinivasa Samia, Aged about. 59 yrs, Occ. Stamp Vendor

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat at Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, (GHMC), Hyderabad.
3. The Deputy Commissioner, GHMC Circle - 5, Saroornagar, R.R. District.
4. The Assistance City Planner, Saroornagar, Circle - 5, GHMC, LB. Nagar Zone, Hyderabad.
5. The Commissioner, Hyderabad Metro Development Authority, Swarna Jayanthi Complex, Ameerpet, Hyderabad-500038, Telangana

...RESPONDENTS

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

direct the Respondents not to demolish the HUDA Saroornagar Commercial Complex, R.R. District and pending disposal of the writ appeal.

Counsel for the Appellant: SRI OGIRALA RAMESH

Counsel for the Respondent No.1: SRI E.VENKATA REDDY, GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2 to 4: SRI SRINIVASA RAO PACHWA, SC FOR GHMC

Counsel for the Respondent No.5: SRI V.SIDDHARTHA GOUD, REP. FOR SRI V.NARASIMHA GOUD, SC FOR HMDA

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1360 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Ogirala Ramesh, learned counsel for the appellant appeared through video conferencing.

Mr. E.Venkata Reddy, learned Government Pleader for Municipal Administration and Urban Development Department, for the respondent No.1.

Mr. Srinivasa Rao Pachwa, learned Standing Counsel for Greater Hyderabad Municipal Corporation for the respondents No.2 to 4.

Mr. V.Siddhartha Goud, learned counsel representing Mr. V.Narasimha Goud, learned Standing Counsel for the Hyderabad Metropolitan Development Authority, appears for the respondent No.5 through video conferencing.

2. This intra court appeal is filed against the order dated 16.07.2024 passed by the learned Single Judge by

which the writ petition preferred by the appellant, namely W.P.No.18594 of 2024, has been disposed of.

3. Facts giving rise to filing of this appeal briefly stated are that the appellant is HUDA Saroornagar Commercial Complex, Shops Lessees Association (hereinafter referred to as, "the appellant association"). The members of the appellant association were allotted shops by the erstwhile Hyderabad Urban Development Authority (HUDA) (now Hyderabad Metropolitan Development Authority (HMDA)) in Saroornagar Commercial Complex. The Assistant City Planner, Saroornagar Circle No.5, Greater Hyderabad Municipal Corporation, issued notices under Section 456 of the Greater Hyderabad Municipal Corporation Act, 1955, on 23.05.2024 to the members of the appellant association by which the members of the appellant association were asked to vacate the shops.

4. The members of the appellant association filed reply to the aforesaid notices issued to them and thereafter the appellant association also submitted a common reply on 29.05.2024. The appellant association thereupon filed the

writ petition in which the validity of the notices dated 23.05.2024 was assailed.

5. The learned Single Judge, by the order dated 16.07.2024, has disposed of the writ petition preferred by the appellant with the liberty to the authorities to take further action in terms of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, during the pendency of A.S.No.2086 of 2018.

6. Learned counsel for the appellant submitted that A.S.No.2086 of 2018 is pending before this Court and therefore, the respondents cannot take an action for eviction of the members of the appellant association.

7. We have considered the submissions made by the learned counsel for the appellant association.

8. The members of the appellant association are defaulters inasmuch as they have not tendered the rent due and payable in respect of the shops to the HMDA. The Department of Civil Engineering, Osmania University, vide proceedings dated 26.03.2014, apprised the HMDA that

the building is in dilapidated condition and is unfit to be occupied. Therefore, in the facts and circumstances of the case, the learned Single Judge has rightly permitted the authorities to proceed ahead in accordance with law i.e., the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The order passed by the learned Single Judge does not suffer from any infirmity warranting interference of this Court in this intra court appeal.

9. In the result, the appeal fails and is hereby dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- T. KRISHNA KUMAR
DEPUTY REGISTRAR

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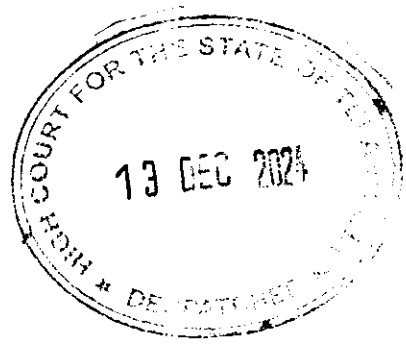
To,

1. One CC to SRI OGIRALA RAMESH, Advocate [OPUC]
2. One CC to SRI SRINIVASA RAO PACHWA, SC FOR GHMC [OPUC]
3. One CC to SRI V.NARASIMHA GOUD, SC FOR HMDA [OPUC]
4. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

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BSR

HIGH COURT

DATED: 05/12/2024



JUDGMENT

WA.No.1360 of 2024

DISMISSING THE WRIT APPEAL,

WITHOUT COSTS

09/12/2024