

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 16424 OF 2018

Between:

1. S. Rameshwar Rao, S/o. Late S. Ramdas. Aged about 49 years, R/o. 1-24-282, Indira Nagar Colony, Lothkunta, Alwal, Secunderabad.
2. S. Vinod Kumar, S/o. Late S. Ramdas. Aged about 47 years, R/o. 1-24-282, Indira Nagar Colony, Lothkunta, Alwal, Secunderabad.
3. T Dhan Raj, S/o.T. Narasimha Rao, aged about 59 years, R/o.132-2RT, Prakash Nagar Colony, Begumpet, Secunderabad.
4. H.L.Srinivas, S/o.H.Lakshminarayana, aged about 39 years, R/o.1-24-272, Indira Nagar Colony, Lothukunta, Alwal, Secunderabad.

...PETITIONERS

AND

1. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, M.C.H. Buildings, Tank Bund, Hyderabad.
2. The Zonal Commissioner of G.H.M.C, North Zone, Secunderabad.
3. The Deputy Commissioner of G.H.M.C, Commissioner, Alwal Circle 27, Alwal, Secunderabad.
4. The Sub-Registrar, Registration Office, Vallabh Nagar, Begumpet, Prakash Nagar, Secunderabad.
5. Namarugommula Venkateshwar Rao, S/o N. Ramchander Rao, aged 61 years Occ. Business R/o Presidency Avenue, Road No.7, Alwal, Hyderabad.
6. Patlori Suresh Kumar, S/o P. Hanmanth Rao, Aged 42 years Occ. Employee R/o Flat No.402, Patloori Amrutha Residency, Mangapuram Colony, Old Alwal, Hyderabad.
7. Dr. Vamsi Priya Aravally, W/o Sumanth Balguri Aged 37 years Occ. Doctor Rep. by her GPA namely Sri. B. Sudhakar Rao S/o Malhar Rao, aged 65 years Occ. Business R/o Flat No.405, Laxmi Ganapathi Nilayam, Central Part, Kompally, Hyderabad.
8. Devendar Rendla, S/o Mallaiah, Aged 50 years Occ. Business R/o H.No.6-105/1/A/20A, Godavari Homes, Jeedimetla, Hyderabad.
9. B. Ram Reddy, S/o late B. Malla Reddy, Aged 56 years Occ. Business R/o 23-6-897/4, Laldarwaza, Hyderabad.

10. Gandra Sugunakar Rao, S/o G. Sugreeva Rao, Aged 64 years Occ. Business R/o H.No.7-6-86/1, Vidya Nagar, Jagtial, Dist. Jagtial.
11. Koya Anthony, S/o Koya Rajaiah Aged 76 years Occ. Agriculture R/o H.No.2-1-407, Flat No.103, Shanthi Apartments, Nallakunta, Hyderabad.
12. Joginipally Harender Rao, S/o J. Ananda Rao, Aged 77 years Occ. Business R/o H.No.5-133/73 and 74, Flat No.301, Venkateswara Residency, Road No.2, Mangapuram Colony, Old Alwal, Hyderabad.
13. R. Lalitha @ R. Sandhya, W/o R. Sudhakar, Aged 51 years Occ. Housewife R/o H.No.1-7-100/14, Plot No.112, Reddy Enclave, Temple Alwal, Secunderabad.
14. B. Ramesh, S/o B. Pentaiah, Aged 48 years Occ. Business R/o H.No.7-13, Balanagar, Shetipally Kalan Mandal, Medak District.
15. M. Narayan Reddy, S/o Hanumanth Reddy, Aged 72 years Occ. Agriculture R/o H.No.3-5-170, A/5, Narayanaguda, YMCA, Hyderabad.

RR 5 to 15 are impleaded as per C.O.dt. 03.03.2025 in IA No. 2/2024.

16. Joginipelly Raj Gopal Rao, S/o J.Thirupathi Rao, aged 65 years, Occ: Business, R/o. H.No.10-1-246, Ramnagar, Karimnagar Dist Karimnagar.

Respondent No.16 is impleaded as per C.O. dt. 27.01.2026 in I.A.No.1/2025.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring the inaction on the part of the respondents herein, in taking action on the representations dt.02/12/2013, 06/12/2013, 17/02/2014, 04/12/2014, 29/12/2014, 05/01/2015, 21/12/2015, 21/08/2017 and 25/10/2017, submitted by the petitioners herein, and allowing illegal constructions in the petitioners lands to an extent of Ac.13.22 guntas situated in Sy.No.592 and 593 part at Old Alwal Village,(Saibabanagar), Alwal Circle, under G.H.M.C Alwal Mandal, Medchal/Malkajigiri District, by the unauthorized occupants/encroachers without any valid permissions from the competent authority as illegal, arbitrary and contrary to the provisions of G.H.M.C.Act, and consequently direct the respondents herein not to allow any unauthorized constructions to be made in the petitioners land and to take further action for demolition of the illegal constructions made by the unauthorized occupants/encroachers in the petitioners land to an extent of Ac.13.22 guntas situated in Sy.No.592 and 593 part Old

Alwal Village, (Saibabanagar), Alwal Circle, under G.H.M.C Alwal Mandal, Medchal/Malkajigiri District.

IA NO: 1 OF 2018

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 herein, not to accord any permissions for construction of buildings and regularizing any illegal permissions under BRS and LRS and also to stop forthwith the illegal constructions that is being made by any unauthorized occupants/encroachers in the petitioners lands to an extent of Ac.13.22 guntas situated in Sy.No.592 and 593 part, Old Alwal Village, Alwal Circle 27, under G.H.M.C Malkajigiri Mandal, Medchal/Malkajigiri District, pending disposal of the above Writ Petition.

IA NO: 2 OF 2018

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 Respondent No. 4 herein, not to register any document in respect of the lands situated in Sy.No.592 and 593 part near Old Alwal Village, Alwal Circle 27, under G.H.M.C Alwal Mandal, Medchal/MalkajOri District, without verifying the title deed and link document, pending disposal of the above Writ Petition.

IA NO: 1 OF 2020

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 extend the order dated 18/06/2018, passed by this Honble court in I.A.No.1 of 2018 in W.P.No.16424 of 2018, pending disposal of the above Writ Petition.

IA NO: 1 OF 2022

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 extend the order dated 18.06.2018 passed by this Hon'ble Court in IA No. 1 of

2018 in WP No. 16424 of 2018 as extended by orders dated 17.12.2020, 05.02.2021, and 23.04.2021 pending disposal of the above writ petition.

IA NO: 1 OF 2023

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 herein, not to allow/permit any un-authorized building constructions in S.No.592 of Alwal GHMC circle, pending disposal of the above Writ Petition.

IA NO: 2 OF 2023

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 extend the order 18-06-2018 passed by this Hon'ble court in I.A.No.1 of 2018 in W.P.No.16424 of 2018, pending disposal of the above Writ Petition.

IA NO: 2 OF 2025

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 Vacate the Interim Order dated: 18-06-2018 passed in I.A.No. 1 of 2018 in W.P. No.16424 of 2018 in the interests of justice and pending disposal of the above writ petition.

IA NO: 1 OF 2024

Between:

1. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, M.C.H. Buildings, Tank Bund, Hyderabad.
2. The Zonal Commissioner of G.H.M.C, North Zone, Secunderabad.
3. The Deputy Commissioner of G.H.M.C, Commissioner, Alwal Circle 27, Alwal, Secunderabad.

...PETITIONERS

AND

1. S. Rameshwar Rao, S/o. Late S. Ramdas. Aged about 49 years, R/o. 1-24-282, Indira Nagar Colony, Lothkunta, Alwal, Secunderabad.

2. S. Vinod Kumar, S/o. Late S. Ramdas. Aged about 47 years, R/o. 1-24-282, Indira Nagar Colony, Lothkunta, Alwal, Secunderabad.
3. T Dhan Raj, S/o.T. Narasimha Rao, aged about 59 years, R/o.132-2RT, Prakash Nagar Colony, Begumpet, Secunderabad.
4. H.L.Srinivas, S/o.H.Lakshminarayana, aged about 39 years, R/o.1-24-272, Indira Nagar Colony, Lothukunta, Alwal, Secunderabad.
5. The Sub-Registrar, Registration Office, Vallabh Nagar, Begumpet, Prakash Nagar, Secunderabad.
6. Nemarugommula Venkateshwar Rao, S/o N. Ramchander Rao, aged 61 years Occ. Business R/o Presidency Avenue, Road No.7, Alwal, Hyderabad.
7. Patlori Suresh Kumar, S/o P. Hanmanth Rao, Aged 42 years Occ. Employee R/o Flat No.402, Patloori Amrutha Residency, Mangapuram Colony, Old Alwal, Hyderabad.
8. Dr. Vamsi Priya Aravally, W/o Sumanth Balguri Aged 37 years Occ. Doctor Rep. by her GPA namely Sri. B. Sudhakar Rao S/o Malhar Rao, aged 65 years Occ. Business R/o Flat No.405, Laxmi Ganapathi Nilayam, Central Part, Kompally, Hyderabad.
9. Devendar Rendla, S/o Mallaiah, Aged 50 years Occ. Business R/o H.No.6-105/1/A/20A, Godavari Homes, Jeedimetla, Hyderabad.
10. B. Ram Reddy, S/o late B. Malla Reddy, Aged 56 years Occ. Business R/o 23-6-897/4, Laldarwaza, Hyderabad.
11. Gandra Sugunakar Rao, S/o G. Sugreeva Rao, Aged 64 years Occ. Business R/o H.No.7-6-86/1, Vidya Nagar, Jagtial, Dist. Jagtial.
12. Koya Anthony, S/o Koya Rajaiah Aged 76 years Occ. Agriculture R/o H.No.2-1-407, Flat No.103, Shanthi Apartments, Nallakunta, Hyderabad.
13. Joginipally Harender Rao, S/o J. Ananda Rao, Aged 72 years Occ. Business R/o H.No.5-133/73 and 74, Flat No.301, Venkateshwara Residency, Road No.2, Mangapuram Colony, Old Alwal, Hyderabad.
14. R. Lalitha @ R. Sandhya, W/o R. Sudhakar, Aged 51 years Occ. Housewife R/o H.No.1-7-100/14, Plot No.112, Reddy Enclave, Temple Alwal, Secunderabad.
15. B. Ramesh, S/o B. Pentaiah, Aged 48 years Occ. Business R/o H.No.7-13, Balanagar, Shetipally Kalan Mandal, Medak District.
16. M. Narayan Reddy, S/o Hanumanth Reddy, Aged 72 years Occ. Agriculture R/o H.No.3-5-170, A/5, Narayanaguda, YMCA, Hyderabad.
17. Joginipelly Raj Gopal Rao, S/o J.Thirupathi Rao, aged 65 years, Occ: Business, R/o. H.No.10-1-246, Ramnagar, Karimnagar, Dist: Karimnagar.

...RESPONDENTS

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 vacate the interim direction in I.A.No.1 of 2018 in WP No.16424 of 2018 granted

on 18.06.2018 in and dismiss the writ petition with costs, pending disposal of the writ petition.

IA NO: 3 OF 2024

Between:

1. Namarugommula Venkateshwar Rao, S/o N. Ramchander Rao, aged 61 years Occ. Business R/o Presidency Avenue, Road No. 1, Alwal, Hyderabad.
2. Patlori Suresh Kumar, S/o P. Hanmanth Rao, Aged 42 years Occ. Employee R/o Flat No.402, Patloori Amrutha Residency, Mangapuram Colony, Old Alwal, Hyderabad.
3. Dr. Vamsi Priya Aravally, W/o Sumanth Balguri Aged 37 years Occ. Doctor Rep. by her GPA namely Sri. B. Sudhakar Rao S/o Malhar Rao, aged 65 years Occ. Business R/o Flat No.405, Laxmi Ganapathi Nilayam, Central Part, Kompally, Hyderabad.
4. Devendar Rendla, S/o Mallaiah, Aged 50 years Occ. Business R/o H.No.6-105/1/A/20A, Godavari Homes, Jeedimetla, Hyderabad.
5. B. Ram Reddy, S/o late B. Malla Reddy, Aged 56 years Occ. Business R/o 23-6-897/4, Laldarwaza, Hyderabad.
6. Gandra Sugunakar Rao, S/o G. Sugreeva Rao, Aged 61 years Occ. Business R/o H.No.7-6-86/1, Vidya Nagar, Jagtial, Dist. Jagtial.
7. Koya Anthony, S/o Koya Rajaiah Aged 76 years Occ. Agriculture R/o H.No.2-1-407, Flat No.103, Shanthi Apartments, Nallakunta, Hyderabad.
8. Joginipally Harender Rao, S/o J. Ananda Rao, Aged 71 years Occ. Business R/o H.No.5-133/73 and 74, Flat No.301, Venkateshwar Residency, Road No.2, Mangapuram Colony, Old Alwal, Hyderabad.
9. R. Lalitha @ R. Sandhya, W/o R. Sudhakar, Aged 51 years Occ. Housewife R/o H.No.1-7-100/14, Plot No.112, Reddy Enclave, Temple Alwal, Secunderabad.
10. B. Ramesh, S/o B. Pentaiah, Aged 48 years Occ. Business R/o H.No.7-13, Balanagar, Shetipally Kalan Mandal, Medak District.
11. M. Narayan Reddy, S/o Hanumanth Reddy, Aged 72 years Occ. Agriculture R/o H.No.3-5-170, A/5, Narayanaguda, YMCA, Hyderabad.

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1. S. Rameshwar Rao, S/o. Late S. Ramdas. Aged about 49 years, R/o. 1-24-282, Indira Nagar Colony, Lothkunta, Alwal, Secunderabad.
2. S. Vinod Kumar, S/o. Late S. Ramdas. Aged about 47 years, R/o. 1-24-282, Indira Nagar Colony, Lothkunta, Alwal, Secunderabad.
3. T Dhan Raj, S/o.T. Narasimha Rao, aged about 59 years, R/o.132-2RT, Prakash Nagar Colony, Begumpet, Secunderabad.
4. H.L.Srinivas, S/o.H.Lakshminarayana, aged about 39 years, R/o.1-24-272, Indira Nagar Colony, Lothukunta, Alwal, Secunderabad.

5. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, M.C.H. Buildings, Tank Bund, Hyderabad.
6. The Zonal Commissioner of G.H.M.C, North Zone, Secunderabad.
7. The Deputy Commissioner of G.H.M.C, Commissioner, Alwal Circle 27, Alwal, Secunderabad.
8. The Sub-Registrar, Registration Office, Vallabh Nagar, Begumpet, Prakash Nagar, Secunderabad.

...RESPONDENTS

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 Vacate the Interim Order date 18-06-2018 passed in I.A.No.1 of 2018 in W.P.No.16424 of 2018 the interests of justice and pass

Counsel for the Petitioner: SRI TARUN G.REDDY

Counsel for the Respondent No.1 to 3: SRI K.RAVI MAHENDER, SC FOR GHMC

Counsel for the Respondent No.4: GP FOR STAMPS & REGISTRATION

Counsel for the Respondent No.5 to 16: SRI T.V.RAMANA RAO

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.16424 of 2018

DATED: 27.01.2026

Between:

S.Rameshwar Rao and 4 others

.. Petitioners

AND

The Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner, M.C.H.Buildings,
Tank Bund, Hyderabad and 3 others.

. Respondents

ORDER:

This Writ Petition is filed to declare the inaction of respondents in considering the representations dated 02.12.2013, 06.12.2013, 17.02.2014, 04.12.2014, 29.12.2014, 05.01.2015, 21.12.2015, 21.08.2017 and 25.10.2017, submitted by the petitioners and allowing illegal constructions in petitioner's lands to an extent of Acs.13 – 22 gts in Sy.Nos.592 and 593 part, situated at Old Alwal Village (Saibaba Nagar), Alwal Circle, Alwal Mandal, Medchal-Malkajgiri District, without any valid permission from the competent authority as illegal, arbitrary and contrary to the provisions of G.H.M.C Act and for consequential relief.

2. Heard Sri Tarun G.Reddy, learned Counsel for petitioners, Sri K.Ravi Mahender, learned Standing Counsel for respondent Nos.1 to 3 and Sri T.V.Ramana Rao, learned Counsel for respondent Nos.5 to 16.

3. Learned Counsel for the petitioners would submit that originally, one Palla Narsimham, who is the grandfather of petitioners herein was the owner and possessor of land admeasuring Acs.18 - 01 gts, having acquired the same through a compromise decree dated 20.10.1978, in a partition suit *vide* O.S.No.80 of 1963, between his brothers; that he executed Family Settlement Deed dated 17.07.1980, between himself, his son and 7 daughters, as per which, Ac.1 - 00 gts was allotted to each daughter and the remaining to his son P.Vishwshwar Rao, however the property was not partitioned by metes and bounds and the same was in joint possession of petitioners' family; that after the demise of Palla Narsimham, as disputes arose between the family members of the petitioners, they were compelled to approach the Court by way of filing a suit *vide* O.S.No.206 of 2008, on the file Principal District Judge, Malkajgiri District, for partition of subject property and the same was pending adjudication.

4. Learned Counsel for petitioners further submitted that petitioners neither sold the subject property to any third party nor executed General Power of Attorney (G.P.A) or any authorization in favour of anybody including P.Vishweshwara Rao and never applied for conversion of subject land from agriculture to non-agriculture and also not submitted any layout plan before competent authorities, however, several unauthorized persons/encroachers occupied the subject property and obtained permissions for construction by submitting false and fabricated documents and making illegal constructions in the subject property. The municipal authorities without verifying the title to the property and link documents, granting permissions for constructions; that petitioners submitted several representations dated 02.12.2013, 06.12.2013, 17.02.2014, 04.12.2014, 29.12.2014, 05.01.2015, 21.12.2015, 21.08.2017 and 25.10.2017, to respondents Corporation to take action against the illegal constructions being made in the subject property, but the same were not considered by the respondents Corporation. Aggrieved by the same, present writ petition is filed.

5. *Per contra*, learned Counsel for respondent Nos.5 to 16 would submit that respondent Nos.5 to 16 are *bona fide* purchasers of plot which are developed in the subject property, having paid valid sale

consideration to their vendors; that the vendors of the respondent Nos.5 to 16 started purchasing the subject plots from the year 2000 i.e., much prior to the filing of suit *vide* O.S.No.206 of 2008 and the plot owners formed into a Society named as 'Sai Baba Nagar Welfare Association' and number of houses were constructed by duly obtaining building permissions from the respondents Corporation much prior to the interim Orders passed by this Court. He placed on record, copies of registered sale deeds, basing on which, respondent Nos.5 to 16 are claiming right over the subject property.

6. Learned Standing Counsel for respondent Nos.1 to 3 by referring to the Counter would submit that the suit filed by the children of P.Narasimham, *vide* O.S.No.206 of 2008, on the file of Principal District Judge, Malkajgiri District, for partition of subject property was dismissed on 21.09.2022, with the following observation:

"On careful perusal of evidence of P.W.1 and P.W.2 read with Exs.A1 to A16 and Exs.B1 to B25, it categorically established the fact that plaintiffs and defendants acted upon the Family Settlement Deed, accordingly they converted the land into plots and sold away the same to various people and that the prospective purchasers are in possession of the said land and there is no land as such as suit schedule property and the plaintiffs herein failed to establish that they were not given possession of the land as per the Family Settlement Deed as such the plaintiffs are not

entitled for any partition of the suit schedule properties as prayed for when there is no partition, the question of shares does not arise at all and issue No.2 and 3 is held against the plaintiffs and in favour of defendant."

7. Learned Standing Counsel for respondent Nos.1 to 3 further submits that in view above findings, petitioners are not the owners of the subject property; that the total land covered in Sy.Nos.592 and 593 is Acs.27 - 14 gts, whereas, petitioners are claiming interest over Acs.13 - 22 gts in the said survey numbers, and have not mentioned the boundaries of the land being claimed by them; that unless and until petitioners identify their land on ground and erect a compound wall or fencing, it is very difficult for the respondents Corporation for not considering the applications for grant of building permissions. He further submitted that large number of houses were constructed over the subject property much prior to the interim Orders passed by this Court and it is for the petitioners to safeguard their property; that as and when a person approaches respondents Corporation by submitting a copy of registered sale deed, the respondent Corporation would grant permissions for construction based on the *prima facie* title and possession of such applicant. He further submitted that petitioners did not furnish particulars of the unauthorized constructions and that the respondents Corporation is neither empowered nor duty bound to get into the title issues of the

petitioners and the alleged encroachers and prayed to dismiss the writ petition as the same is devoid of any merit.

8. Admittedly, there is no dispute regarding filing of suit *vide* O.S.No.206 of 2008, for partition, by the children of late P.Narasimham and dismissal of the suit by the trial Court *vide* Judgment and decree dated 21.09.2022, and though an appeal in A.S.No.245 of 2023 has been preferred, against the said Judgment before this Court the same is pending adjudication. In the Judgment and decree dated 21.09.2022, the trial Court specifically observed that petitioners' family members acted upon the Family Settlement Deed dated 17.07.1980 and converted the land into plots and sold away the same to third parties and that prospective purchasers are in possession of their respective plots and there is no land as such of plaint schedule property and thus, the petitioners have no right over the lands in Sy.Nos.592 and 593 as claimed by them. Even in the writ petition, petitioners neither mentioned the boundaries of the subject property nor gave the details of the encroachers as alleged by petitioners, therefore, without identifying or locating their land, petitioners cannot seek any relief in the writ petition. Further, third party rights have already been created in respect of the subject property in the year 2000 onwards and the subsequent purchasers

i.e., respondent Nos.5 to 16 after obtaining necessary permissions from the respondents Corporation, constructed houses and are in possession of their respective houses.

9. The respondent Nos.5 to 16 have placed on record, copies of registered sale deeds and building permissions obtained by them in respect of their properties to prove their ownership and possession and thus, the contention of the petitioners that third parties have encroached upon the subject property and have made constructions without any valid permissions is untenable. The petitioners cannot seek direction to the respondents Corporation not to grant permissions to third parties in respect of subject property by submitting representations, without establishing their title and possession over the subject property. From the record, it is evident that the sales in respect of subject property have taken place since 2000 and structures have been raised by the purchasers duly obtaining permission from GHMC and whereas, suit for partition was filed in the year 2008. Furthermore, from the copies of sale deeds and photographs placed on record, it is evident that the subject property has been developed and has been converted into plots and it is no more an agricultural land even prior to filing of the suit for partition, however, in the suit, the subject property has been

mentioned as agricultural land. Though, Appeal in A.S.No.245 of 2023 is filed aggrieved by the dismissal of suit i.e., O.S.No.206 of 2008, before this Court and the same is pending adjudication.

10. It is appropriate to note that it is a settled principle of law that while granting permission for construction, the Commissioner, GHMC has to only consider the *prima facie* title and possession of the applicant in respect of the property for which permission for construction has been sought for and the Commissioner cannot go into the disputed question of title of the property and adjudicate the same.

11. In ***Hyderabad Potteries Private Limited v. Collector, Hyderabad***¹ the erstwhile High Court of Andhra Pradesh held that the Commissioner is not empowered to decide any disputed questions of title or the ownership over the property and he is only entitle to proceed on the basis of prima facie title of the applicant seeking permission.

12. In ***K. Pavan Raj v. The Municipal Corporation of Hyderabad***² the erstwhile High Court of Andhra Pradesh held that

¹ 2001 (3) ALD 600

² 2008 (1) ALD 792

the Commissioner therefore cannot be compelled to decide the title dispute if it is complex in nature and he is entitled to proceed on the basis of prima facie title of the applicant for grant of permission.

13. The Commissioner on being satisfied that respondent Nos.5 to 16 have *prima facie* title and possession over the subject property, has granted the building permission. Furthermore, this Court while exercising the writ jurisdiction under Article 226 of Constitution of India cannot go into disputed question of facts and title disputes and also cannot sit in appeal over the decision of an administrative authority, i.e., Commissioner in granting permission.

14. In the light of foregoing discussion and the legal position, this Court is of the considered opinion that the writ petition is devoid of any merit and is liable to be dismissed.

15. In the result, the writ petition is dismissed. There shall be no Order as to costs.

Sd/-C.DEEPIKA
ASS STANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI TARUN G.REDDY, Advocate [OPUC]
2. One CC to SRI T.V.RAMANA, Advocate [OPUC]
3. One CC to SRI K.RAVI MAHENDER, SC FOR GHMC [OPUC]
4. Two CCs to GP FOR STAMPS & REGISTRATION, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

BSR

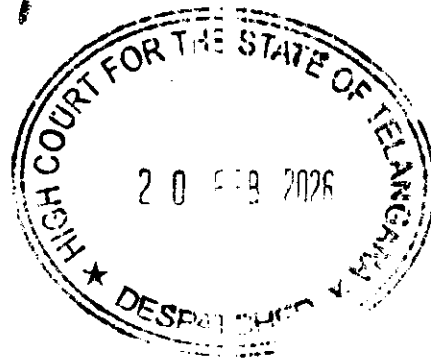


HIGH COURT

DATED: 27/01/2026

ORDER

WP.No.16424 of 2018



**DISMISSING THE WRIT PETITION,
WITHOUT COSTS**

⑧
hpl
20/2/26