

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

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 32182 OF 2025

Between:

1. Sri J. Srinivas Yadav, S/o Late Swamy Yadav, aged about 55 years, Occ. Business, R/o.H.No.1-1-96/1, Street No.1, Habsiguda, Near Kallu Compound, Hyderabad.
2. Sri D.E. Nagaraj, S/o E.B. Krishna, aged about 47 years, Occ. Business, R/o Flat No. 202, H.No. 16-11-20/6/4/3/1, Ghanasai Apartments, Opp. Ganesh Temple, Saleemnagar, Malakpet, Hyderabad.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, (MAUD), Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Head Office, Tank Bund, Hyderabad.
3. The City Planner, Greater Hyderabad Municipal Corporation, L.B. Nagar Zone, Hyderabad.
4. M/s Radheshyam Constructions and Developers, Rep. by its Managing Partners R. Uthara Reddy and G. Mohan Rao, Having office at Plot No. 122/A/2, Venkataramana Colony, Serilingampally, Hyderabad.
5. Jogiparthi Venkatesh, S/o. J. Yadaiah Guptha, Aged Not Known, Occ. Agriculture. Rep. by M/s. Radheshyam Constructions and Developers. Having office at Plot No. 122/A/2, Venkataramana Colony. Serilingampally, Hyderabad.

...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, Order, or Direction, more particularly one in the nature of Mandamus, declaring the action of the Respondents in issuing Building Permit No. 1363/GHMC/LBN/2025-BP dated 10.10.2025 in favour of Respondent No. 4 as illegal, arbitrary, unconstitutional, violative of Articles 14 and 300-A of the

Constitution of India, contrary to Section 450 of the GHMC Act, 1955, and in wilful defiance of the judgment dated 30.12.2024 in W.P. No. 10419/2023, and consequently, set aside the said permit and direct Respondent Nos. 2 and 3 not to grant or act upon any building permission in respect of the property in Survey Nos. 106 and 107, Kothapet Village, Uppal Mandal, Medchal-Malkajgiri District, without prior notice to the Petitioners and due verification of pending litigations and revocation orders.

IA NO: 1 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 suspend the operation and implementation of the impugned Building Permit No. 1363/GHMC/LBN/2025-BP dated 10-10-2025 and direct Respondent Nos. 2, 3, and 4 not to undertake, permit, allow, or carry out any construction activity whatsoever in respect of the property situated in Survey Nos. 106 and 107, Kothapet Village, Uppal Mandal, Medchal-Malkajgiri District, pending disposal of this Writ Petition.

IA NO: 2 OF 2025

Between:

1. M/s Radheshyam Constructions and Developers, Rep. by its Managing Partners R. Uthara Reddy and G. Mohan Rao, Having office at Plot No. 122/A/2, Venkataramana Colony, Serilingampally, Hyderabad.
2. Jogiparthi Venkatesh, S/o. J. Yadaiah Guptha, Aged Not Known, Occ. Agriculture, Rep. by M/s. Radheshyam Constructions and Developers. Having office at Plot No. 122/A/2, Venkataramana Colony, Serilingampally, Hyderabad.

...PETITIONERS

AND

- 1 The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, (MAUD), Secretariat, Hyderabad.
- 2 The Commissioner, Greater Hyderabad Municipal Corporation, Head Office, Tank Bund, Hyderabad.
3. The City Planner, Greater Hyderabad Municipal Corporation, L.B. Nagar Zone, Hyderabad.

4. Sri J. Srinivas Yadav, S/o Late Swamy Yadav, aged about 55 years, Occ. Business, R/o.H.No.1-1-96/1, Street No.1, Habsiguda, Near Kallu Compound, Hyderabad.
5. Sri D.E. Nagaraj, S/o E.B. Krishna, aged about 47 years, Occ. Business, R/o Flat No. 202, H.No. 16-11-20/6/4/3/1, Ghanasai Apartments, Opp. Ganesh Temple, Saleemnagar, Malakpet, Hyderabad.

...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 orders dated 25.10.2025 in the present Writ Petition vide W.P. No.32182 of 2025 and dismiss the Writ Petition with exemplary costs.

**Counsel for the Petitioner: SRI B. CHANDRASEN REDDY, SENIOR COUNSEL
APPEARING FOR SRI B. VAMSHIDHAR REDDY**

**Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND
URBAN DEVELOPMENT**

**Counsel for the Respondents No.2 & 3: SRI SRINIVAS RAO PACHWA,
S.C. FOR GHMC**

**Counsel for the Respondents No. 4 & 5: SRI B. MAYUR REDDY,
SENIOR COUNSEL**

Counsel for the Respondents: AGP FOR REVENUE

Counsel for the Respondents: SRI MOHD. ASIFUDDIN

The Court made the following: ORDER

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

HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.32182 of 2025

DATED: 18.02.2026

Between:

J.Srinivas Yadav and another.

...Petitioners

AND

The State of Telangana,
reptd. by its Principal Secretary,
Municipal Administration & Urban
Development Department,
Hyderabad and others.

...Respondents

ORDER:

This Writ Petition is filed to declare the action of respondents in issuing building permit No.1363/GHMC/LBN/ 2025-BP, dated 10.10.2025 in favour of respondent No.4, as illegal, arbitrary, in violation of Articles-14 and 300-A of Constitution of India and contrary to Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955, and also in willful disobedience of the Order dated 30.12.2024 passed by this Court in W.P.No.10419 of 2023 and for consequential relief.

2. Heard Sri B.Chandrasen Reddy, learned Senior Counsel appearing for Sri B.Vamshidhar Reddy, learned Counsel-on-record for petitioners, Sri Srinivas Rao Pachwa, learned Standing Counsel for respondent Nos.2 and 3 and Sri B.Mayur Reddy, learned Senior Counsel for respondent Nos.4 and 5, learned Assistant Government Pleader for Revenue and Sri Mohd. Asifuddin, learned Counsel for respondent No.5.

3. Brief facts of the case as averred in the writ affidavit are that originally, one Narasaiah Yadav was the owner of land admeasuring Acs.2-02 gts situated in Sy.Nos.106 and 107 of Kothapet Village, Uppal Mandal, Medchal-Malkajgiri District, having purchased the same under registered sale deed No.2311 of 1971, dated 27.12.1971; that the said Narasaiah Yadav expired on 21.04.1990 leaving behind his son Mahender Yadav and his daughter-in-law Chittaboina Balamani as his legal heirs; that the said Mahender Yadav went missing and his whereabouts have remained untraceable; that after completion of mandatory period of nine years from the date of his missing, his wife-Balamani applied for issuance of Family Member Certificate before the Tahsildar, who issued the same on 19.10.2005 in favour of Balamani and her six children; that subsequently, after

conducting survey and Panchanama, the Tahsildar issued Pattadar Passbooks and title deeds to her and her name was recorded in the revenue records for the years 2005 and 2006; and that the petitioners purchased land admeasuring Ac.1-38 gts in Sy.Nos.106 and 107, situated at Kothapet Village, Uppal Mandal, Medchal-Malkajgiri District (hereinafter referred to as 'subject property'), under registered Agreement of Sale-cum-General Power of Attorney (AGPA) No.3153 of 2007, dated 05.03.2007, from the said Balamani and others and have been in continuous, uninterrupted and peaceful possession of the subject property.

4. It is further averred that during the intermediate period when Mahender Yadav was missing, some third parties created fabricated documents including GPA No.364 of 1993, executed in favour of Balakrishna and V.Ramesh and another GPA No.200 of 1995 in favour of K.Sadeva Goud, basing on which, sale deeds were executed by dividing the subject property into plots without any approved layout or lawful ownership; that one Mandava Asha Priya claimed ownership over the subject property, basing on the alleged layout plan approved by Gram Panchayat in the year 1995 and she, without any manner of right or title, illegally trespassed into the subject property and

demolished the petitioners compound wall and also the bore-well installed by them; that petitioners lodged a complaint before the Chaitanyapuri Police Station, which was registered as case in Crime No.477 of 2021, dated 14.08.2021, charge sheet was filed and the same is pending. In fact, the Gram Panchayat of Kothapet Village ceased to exist from the year 1985, in view of formation of L.B.Nagar Municipality. It is further averred that the HMDA has issued a Caution Notice No.4417/UC/ H/1996Y/1997, dated 30.04.1997, confirming that layouts in Sy.Nos.106 and 107 are unauthorized and unapproved.

5. It is further averred that Mandava Asha Priya filed a suit *vide* O.S.No.1034 of 2021, before I-Additional Junior Civil Judge, L.B.Nagar, seeking perpetual injunction against petitioners, along with an interlocutory application *vide* I.A.No.121 of 2021 seeking temporary injunction; that the trial Court on detailed examination of the evidence on record *vide* Order dated 30.11.2022, dismissed the said interlocutory application, by observing that Mandava Asha Priya failed to establish either possession or title over the subject property and further recorded that the petitioners are in lawful and continuous possession of the subject property; that subsequently, respondent No.5

along with two others filed another suit *vide* O.S.No.2112 of 2022 for injunction against the petitioners and the same is pending; that suppressing the pendency of the said suit and other material facts, the vendor of respondent No.5-Asha Priya obtained building permission *vide* permit No.2289/GHMC/ LBN/2022-BP, dated 03.03.2022, for construction of Stilt +5 upper floors in the disputed land in Sy.Nos.106 and 107.

6. Aggrieved by granting of such building permission, dated 03.03.2022, petitioners submitted representations, dated 08.11.2021, 17.03.2022, 19.03.2022, 12.07.2022 and 23.01.2023 to the GHMC and the GHMC authorities, on due enquiry and after affording reasonable opportunity to all the concerned parties, found that Asha Priya obtained permission dated 03.03.2022 by suppressing the material facts and accordingly, issued Show-Cause notice dated 09.03.2023, under Section 450 of GHMC Act, 1955, calling upon the permit holder to explain as to why the permission should not be revoked; and later, on due consideration of material placed on record, respondent No.2-Commissioner revoked the building permission dated 03.03.2022 *vide* speaking Order dated 10.04.2023.

7. Aggrieved by the revocation Order dated 10.04.2023, one Akarapu Badrinath filed a writ petition *vide* W.P.No.10419 of 2023, claiming to have purchased the plots in Sy.Nos.106 and 107, which includes the subject property, along with three others from Mandava Asha Priya, and this Court *vide* Order dated 30.12.2024, disposed of the said writ petition, granting liberty to the petitioner therein to submit fresh application to the GHMC as per TS-bPASS Act, 2020, by duly disclosing the pendency of suit filed by him; that accordingly, fresh application for building permission was filed; and that the GHMC without considering the Order dated 30.12.2024, passed by this Court in W.P.No.10419 of 2023, accorded permission for construction *vide* impugned permit No.1363/GHMC/LBN/2025-BP, dated 10.10.2025, in favour of respondent No.4 herein in respect of the subject property; that petitioners submitted representation dated 18.10.2025 to Zonal and Deputy Commissioners, GHMC, L.B.Nagar Zone, for cancellation of the impugned building permission, however, no action has been taken thereon by the respondents-Corporation. Aggrieved by the same, the present Writ Petition is filed.

8. Respondent Nos.4 and 5 filed counter contending that originally, the land in Sy.No.106 admeasuring Acs.1-04 gts was classified as

'Inam' land showing the name of one Panga Sailu as Inamdar; that after the demise of the said Panga Sailu, the names of his legal heirs- P.Laxmaiah, P.Istari and P.Pentaiah, were recorded as Inamdars; and that they applied for grant of Occupancy Rights Certificate (ORC) and accordingly, the RDO East, Ranga Reddy *vide* proceedings dated 10.12.1991, granted ORC in their favour.

9. It is further averred that the names of P.Sreeramulu and others, continued to be reflected in the pahanies for the years 1993-94 and 1994-95 in respect of land admeasuring Ac.0-36 gts in Sy.No.107 and the said owners along with the owners of land in Sy.Nos.108 and 109, developed the lands into plots and obtained Gram Panchayat layout from Nagole Gram Panchayat, dated 04.02.1978 in respect of the entire land admeasuring Acs.9-00 gts and that registered GPAs were executed in respect of above said lands and plots were sold under various registered sale deeds through GPA holders; that Mandava Asha Priya purchased plots bearing Nos.33, 34, 48 and 49, admeasuring 200 square yards each, total admeasuring 800 Sq.yrds in Sy.Nos.106 and 107, situated at Kothapet Village, R.R.District, under registered sale deed No.5338 of 1996, dated 23.09.1996, from Panga Pentaiah and others; while so, when the petitioners tried to interfere with the

possession of subject plots, Asha Priya filed a suit *vide* O.S.No.1034 of 2021 on the file of V Junior Civil Judge, R.R. District, at L.B.Nagar and initially, the said Court *vide* Order dated 30.11.2022 in I.A.No.121 of 2022 in O.S.No.1034 of 2021, granted ad-interim injunction.

10. It is further averred that respondent No.5 along with three others purchased Plot Nos.33, 34, 48 and 49 in Sy.Nos.106 and 107, which includes the subject property, from Mandava Asha Priya, under registered sale deed No.201 of 2022, dated 05.01.2022; and that, on the same day, respondent No.5 entered into Development Agreement-cum-General Power of Attorney bearing No.371 of 2022, with respondent No.4 for development of the subject property; and that from the date of the said purchase, respondent Nos.4 and 5 are in possession and enjoyment of the subject property; and that subsequently, in view of sale of the subject plots in favour of respondent No.5, Asha Priya has withdrawn the suit as not pressed.

11. It is further averred that when the petitioners again tried to interfere with the possession of the subject plots by respondent Nos.4 and 5, respondent No.5 along with two others filed a suit *vide* O.S.No.2112 of 2022 on the file of Principal Senior Civil Judge,

Medchal-Malkajgiri District and obtained interim Orders dated 09.12.2022 in I.A.No.346 of 2022 and the said suit is pending.

12. It is further averred that petitioners are claiming to be owners of subject property having purchased the same from one Chittaboina Balamani and others under registered AGPA dated 05.03.2007; that the said Balamani and others filed a suit *vide* O.S.No.470 of 2007 on the file of Principal Junior Civil Judge, R.R.District, at L.B.Nagar, against the then plot owners of the layout and after the trial, the said suit was dismissed *vide* Judgment and decree dated 28.12.2012 and no appeal was preferred and thus, the Judgment and decree dated 28.12.2012 has become final.

13. It is further averred that vendors of the petitioners were never in possession of the subject property and physically, the land admeasuring Ac.1-38 gts is not available, as the land in Sy.Nos.106 and 107 was already converted into layout, dividing the same into plots, and presently houses are existing in the said land; and that the petitioners, having failed in the suits, approached respondent No.2 with unclean hands by suppressing the dismissal of O.S.No.470 of 2007; that respondent No.3, on due verification of the documents and physical possession of Asha Priya-vendor of respondent No.5,

accorded permission for construction *vide* permit No.2289/GHMC/LBN/2022-BP, dated 03.03.2022, in her favour and subsequently, she sold the same to respondent No.5 and in pursuance thereof, respondent No.4-Developer had been in the process of construction by investing huge money.

14. It is further averred that petitioners filed W.P.No.14567 of 2022 questioning the building permission dated 03.03.2022 and the same was dismissed by this Court *vide* Order dated 24.03.2022, directing the petitioners to avail appropriate remedy before the civil Court; that petitioners preferred W.A.No.289 of 2022 and the same was also dismissed *vide* Order dated 19.04.2022, and having failed in all their attempts, the petitioners approached respondent No.2 for cancellation of building permission by suppressing the facts and basing on the same, respondent No.2 issued that show-cause notice dated 09.03.2023 to vendor of respondent No.5 and that reply was given thereto, bringing to the notice of respondent No.2 the orders dated 24.03.2022 passed by this Court in W.P.No.14567 of 2022, wherein it is observed that the respondents-GHMC has no jurisdiction to go into the aspects as to whether the registered document in favour of Asha Priya is genuine or whether the petitioners or Asha Priya-vendor of respondent

No.5, are the owners of the subject property; and that, without considering the said order, respondent No.2 revoked the earlier building permission, by proceedings dated 10.04.2023.

15. It is further averred that aggrieved by the revocation Order dated 10.04.2023, respondent No.5 filed a writ petition *vide* W.P.No.10419 of 2023 and this Court *vide* Order dated 30.12.2024, dismissed the writ petition, however, granted liberty to respondent No.5 herein to submit fresh application under TS-bPASS by disclosing the pendency of suit in O.S.No.2112 of 2022 and further, observed that it is for the GHMC to consider the same in accordance with law; that in pursuance of the said order, respondent Nos.4 and 5 submitted fresh application to GHMC by disclosing pendency of suit in O.S.No.2112 of 2022 and GHMC, by duly examining all the documents and also physical possession of respondent Nos.4 and 5 over the subject property, accorded permission for construction *vide* permit dated 10.10.2025, for construction of Stilt + 5 upper floors and respondent Nos.4 and 5 have also completed construction of Stilt + 2 upper floors as on 25.10.2025, however, in view of interim Order of status quo passed by this Court on 25.10.2025, respondent Nos.4 and 5 stopped further construction. It is specifically averred that petitioners have not challenged the

registered sale deed/title deed of respondent No.5 and having failed to obtain Order from the competent Civil Court, the petitioners cannot seek cancellation of the building permission and thus, prayed to dismiss the writ petition.

16. Learned Senior Counsel for the petitioners submitted that petitioners have purchased the subject property under registered AGPA dated 05.03.2007 from original owner-Chittaboina Balamani and others, who were in possession and enjoyment of the same; that vendor of respondent No.5-Asha Priya was never in possession of the subject property; that the application filed by vendor of respondent No.5 for ad-interim injunction *vide* I.A.No.121 of 2021 in O.S.No.1034 of 2021, was dismissed by the trial Court with categorical observation that vendor of respondent No.5 failed to establish title as well as possession over the subject property. He further submitted that vendor of respondent No.5 obtained permission for construction *vide* permit dated 03.03.2022, by suppressing and misrepresenting the facts including pendency of Civil Suits, therefore, GHMC has rightly revoked the said permission on the complaint submitted by the petitioners. He further submitted that GHMC granted impugned permission on 10.10.2025, without considering the earlier revocation

proceedings as well as the observations made by this Court in W.P.No.10419 of 2023, therefore, the impugned permission dated 10.10.2025 is liable to be set aside.

17. *Per contra*, learned Senior Counsel appearing for respondent Nos.4 and 5 submitted that the entire extent of land in Sy.Nos.106 and 107 along with adjacent lands was developed into plots and the layout was approved by Nagole Gram Panchayat in the year 1978 and plots have been sold to various individuals under registered sale deeds and structures have also been raised thereon. He further submitted that it is a settled principle of law that while processing the application for permission for construction, GHMC has to only verify the *prima facie* title and possession; that the respondent Nos.4 and 5 and their vendors have been in possession and enjoyment of the subject and GHMC after due verification of the title documents as well as physical possession of respondent Nos.4 and 5 over the subject property, granted permission for construction. He further submitted that GHMC did not violate the Orders of this Court dated 30.12.2024 in W.P.No.10419 of 2023 as alleged by the petitioners and in fact, this Court while dismissing the writ petition filed by respondent No.5 has granted liberty to submit fresh application through TS-bPASS by duly disclosing the pendency

of O.S.No.2112 of 2022 and accordingly, fresh application for building permission was filed by disclosing the pendency of the suit-OS.No.2112 of 2022 and that the authorities of GHMC, after due consideration of all the material placed before it, has rightly granted permission for construction. He further submitted that disputed question of title and facts cannot be gone into by the GHMC while processing the application for building permission. By contending thus, learned senior counsel for respondent Nos.4 and 5 submitted that no grounds are made out by the petitioners to cancel the impugned building permit and the writ petition, being devoid of any merit, is liable to be set aside.

18. Learned Standing Counsel for respondent Nos.2 and 3 submitted that respondents-Corporation has considered the entire material placed before it, along with the TS-bPASS application filed by respondent No.5, particularly the Affidavit-cum-Undertaking given by respondent No.5, wherein the pendency of suit-OS.No.2112 of 2022 is stated, and having found prima facie title in favour of respondent No.5 and his possession over the subject property, granted the impugned building permission and as such, the Writ Petition is liable to be dismissed.

19. This Court gave its earnest consideration to the submissions advanced by learned counsel for both the parties and perused the entire material available on record.

20. Perusal of the material available on record discloses that the petitioners are claiming title to the subject property based on the registered sale deed executed in their favour by Balamani and others, and that respondent No.5, on the other hand, is claiming title to the subject property based on the registered sale deed in his favour by one Mandava Asha Priya. Earlier, the suit-OS.No.470 of 2007 filed by Balamani and others against plot owners in respect of layout in Sy.Nos.106 and 107, seeking the relief of perpetual injunction was dismissed by the Court of Principal Junior Civil Judge, Ranga Reddy District, vide judgment dated 28.12.2012, wherein it is categorically observed that Balamani and others-plaintiffs therein had no possession over the schedule land. Further, it is also apt to note that the suit-OS.No.2112 of 2022 filed by respondent No.5 herein along with two others against the petitioners herein seeking the relief of perpetual injunction is pending before the trial Court and that the trial Court though initially granted ad-interim order on 09.12.2022 in IA.No.346 of 2022, subsequently, dismissed the said application on merits.

21. From the above, it is evident that the title and rights of the parties in respect of the subject property is not crystallized and the said issue is pending adjudication before the trial Court.

22. Furthermore, it is not out of place to note that this Court in Writ Petition No.14567 of 2022, filed by the petitioners herein against one Mandava Asha Priya-vendor of respondent No.5, vide order dated 24.03.2022, categorically observed that respondents-Corporation has no jurisdiction to go into the aspects as to whether the registered document in favour of Mandava Asha Priya-vendor of respondent No.5, is a genuine one, or whether the petitioners herein or the said Mandava Asha Priya is the owner of the subject property and that if the petitioners case is that sale deed in favour of Mandava Asha Priya is not binding on them, basing on which building permission was granted, they can seek appropriate remedy before a civil Court. On appeal-WA.No.289 of 2022 filed against the said order, a Division Bench of this Court vide orders dated 19.04.2022 upheld the observations made in Writ Petition No.14567 of 2022 and dismissed the Writ Appeal.

23. Thus, it is manifest that when the genuinity of the registered sale deed in favour of Mandava Asha Priya and subsequently, the registered

sale deed executed by her in favour of respondent No.5 is disputed by the petitioners, the same has to be decided by a competent civil Court. This Court while exercising the writ jurisdiction under Article 226 of the Constitution of India cannot adjudicate the disputed questions of title and possession over the subject property.

24. That apart, the petitioners without seeking appropriate remedy against Asha Priya-vendor of respondent No.5 before a civil Court, as was observed by this Court in order dated 24.03.2022, in Writ Petition No.14567 of 2022, has filed present writ petition before this Court.

25. Respondent No.5 has stepped into the shoes of Mandava Asha Priya in view of execution of registered sale deed dated 05.01.2022 in his favour and obtained building permission in respect of the subject property. However, at the instance of the petitioners, the said permission was revoked by the GHMC, vide order dated 10.04.2023. Subsequently, Writ Petition No.10419 of 2023 filed by respondent No.5 challenging the revocation order was dismissed by this Court, granting liberty to respondent No.5 to submit fresh application with GHMC under TS-bPASS by disclosing the pendency of the suit-OS.No.2112 of 2022 filed by him and others against the petitioners

seeking perpetual injunction and it is for the GHMC to consider the same in accordance with law.

26. It is the case of respondent No.5 that in purported compliance of the said order, he has again applied for building permission by duly enclosing an Affidavit-cum-Undertaking, stating about the pendency of the suit-OS.No.2112 of 2022 filed by him against the petitioners and further, has undertaken that he will adhere to the Court orders passed in respect of the subject property.

27. It appears that the respondents-Corporation has considered the same and issued the impugned building permit in favour of respondent No.5. The Commissioner, while considering the application for building permission, is empowered only to verify the prima facie title and possession of the applicant over the property. He cannot delve into and adjudicate the disputed questions of title or ownership of the property. The law in this regard is well-settled by the erstwhile High Court in *Hyderabad Potteries Private Limited v. Collector, Hyderabad*¹, wherein, it is held as hereunder:-

"The commissioner is not entitled to decide any disputed questions of title or the ownership. All that the commissioner required to do is to find out prima facie title and lawful

¹ (2001) 3 ALD 600

possession of the applicant and obviously such consideration is confined to only for the purpose of granting permission and nothing more."

28. In this regard, it is also relevant to note the judgment of the erstwhile High Court of Andhra Pradesh rendered in ***K. Pavan Raj v. The Municipal Corporation of Hyderabad***² wherein it is held as follows:-

"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."

29. In the light of the above settled legal position, this Court holds that the Commissioner, on due verification of the prima facie title as well as possession of respondent No.5 over the subject property, has accorded building permission. Thus, the Commissioner has well acted within the jurisdiction conferred on him and therefore, the impugned building permit issued in favour of respondent No.5 cannot be faulted with. The petitioners failed to make out any case to cancel the impugned building permission and as such, the Writ Petition is liable to be dismissed.

² (2008) 1 ALD 792

30. Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, shall stand closed.

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

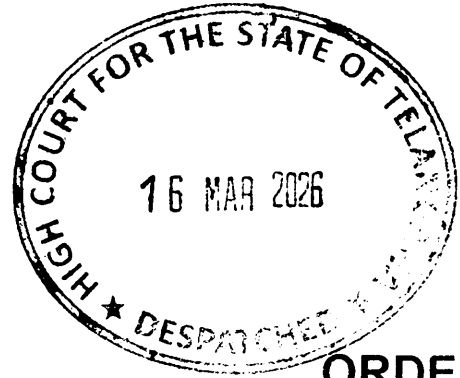
1. One CC to SRI B. VAMSHIDHAR REDDY, Advocate [OPUC]
2. Two CCs to Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI SRINVASA RAO PACHWA, SC FOR GHMC [OPUC]
4. One CC to SRI B. MAYUR REDDY, Senior Counsel [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to SRI MOHD.ASIFUDDIN, Advocate [OPUC]
7. Two CD Copies

PMK
BS



HIGH COURT

DATED:18/02/2026



ORDER

WP.No.32182 of 2025

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

10
16/03/26
RB