

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

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

THE HONOURABLE SMT. JUSTICE RENUKA YARA

I.A.No.1 of 2024 in/and W.A.No.1028 of 2024

and

I.A.No.1 of 2024 in/and W.A.No.1033 of 2024

THE 06TH DAY OF AUGUST, 2026

I.A.No.1 of 2024 in/and W.A.No.1028 of 2024

Between:

Greater Hyderabad Municipal Corporation and three others.

...Appellants/Petitioners

AND

Siri Constructions.

...Respondent/Respondent

I.A.No.1 of 2024 in/and W.A.No.1033 of 2024

Between:

Greater Hyderabad Municipal Corporation and three others.

...Appellants/Petitioners

AND

Darshinee Infra Projects.

...Respondent/Respondent

Mr. A. Sudarshan Reddy, the learned Advocate General appearing for the appellants/petitioners.

Mr. K. Durga Prasad, learned counsel appearing for the respondents.

COMMON JUDGMENT: (Per Hon'ble Smt. Justice Renuka Yara)

1. The present Writ Appeals are filed challenging the common order dated 25.04.2022 passed by the learned Single Judge in W.P.Nos.27793 and 27784 of 2018 respectively.

2. In the Writ Appeals, the I.A.No.1 of 2024 in W.A.No.1028 of 2024 and I.A.No.1 of 2024 in W.A.No.1033 of 2024 are filed under Section 5 of Limitation Act, 1963 to condone delay of 820 days and 794 days in filing the Writ Appeals respectively.

3. The main Writ Petitions were filed to declare the revocation notice No.LRS/432/Cr-11/WZ/GHMC/2012-18 with respect to Plot No.22/A and revocation notice No.LRS/919/Cr-11/WZ/GHMC/2012-18 with respect to Plot No.19/A both dated 23.07.2018 and served on 02.08.2018 as illegal and to set aside said revocation notices. The Writ Petitions were allowed *vide* common order dated 25.04.2022 setting aside the revocation notices dated 23.07.2018. Aggrieved by the same, the present Writ Appeals are filed with I.As. to condone delay of 820 and 794 days in filing the Writ Appeals.

4. The affidavits filed along with petitions contain pleadings referring to the merits of the petitioners' case and the alleged errors committed by the learned Single Judge while allowing the Writ Petitions. Said, pleadings are not relevant for disposal of the present petitions, hence, not recounted.

5. Coming to the pleadings with respect to delay, it is pleaded that the Zonal Level Official by name M. Narsimha Ramulu who was dealing with

the subject was caught by the Inspector of Police (CIU) ACB in a case relating to possession of disproportionate assets. The said official was apprehended on 21.04.2022. On 29.04.2022, one K. Uma Devi, City Planner, Kukatpally Zone GHMC was posted as in-charge to the post of M. Narsimha Ramulu vide Proceeding No.B/943/TPS/HO/ GHMC/2022/432. Said K. Uma Devi was officiating the duties of M. Narsimha Ramulu in addition to her regular duties. On 12.08.2022, K. Mallikarjun Rao was posted as City Planner, Serilingampally Zone, GHMC vide Proceeding No.B/270/TPS/HO/ GHMC/2020-22/830 dated 11.08.2022. Immediately thereafter, the Standing Counsel representing GHMC were changed vide G.O.Ms.No.517 dated 10.10.2022 and the impugned common order dated 25.04.2022 was not in the notice of concerned officials. Only when the respondents submitted representation to GHMC to restore the building permission, the officials of GHMC have put up the file for necessary approval on 09.11.2023. At that time, the Legislative Assembly Code was in force and also, the officials were preoccupied with elections. The entire staff were entrusted with special duties for State Assembly elections and thereafter, Parliament elections. As such, the officials could not present the file before the Standing Counsel for getting legal opinion and further course of action as to whether to file an appeal or not. On account of

transfers and elections, there was delay in taking legal opinion. As such, there was inadvertent delay. After receiving the legal opinion, since the State interest was involved, it was decided that an appeal has to be preferred.

6. The respondents are seeking issuance of Occupancy Certificate in their favour. Also, the respondents are continuing with their building in a fraudulent layout to consolidate their hold on the premises, which is earmarked for park. By submission of a fraudulent layout, the health of the public at large would be affected, i.e., breathing space within layout is necessary and cannot be reduced by committing fraudulent acts. The petitioners have good chance in succeeding the appeal and therefore, it is prayed that the delay be condoned as the same is not deliberate or intentional.

7. The petitioner No.3 filed additional affidavit restating the grounds stated in the common affidavit filed by the petitioners referring to the concerned official M. Narsimha Ramulu being apprehended by the ACB, posting another official in-charge followed by regular posting and appointment of new Standing Counsel for GHMC followed by State and Parliament elections, which led to the delay. In the additional affidavit, reference is made to *Sheo Raj Singh (deceased) through LRs and others v.*

Union of India and others [(2023) 10 SC 531], wherein the Supreme Court of India held that “condoning delay is a discretionary power which warrants liberal and justice-oriented approach in order to ensure that substantial rights of private parties and State are not defeated at the threshold”. In that context, it is pleaded that, in case, the delay is not condoned, the same would cause irreparable damage to GHMC and Government, wherein the interest of the State as to protecting open spaces is involved. Along with additional affidavit, copy of Proceeding No.B/943/TPS/HO/GHMC/2022/432 dated 28/29.04.2022, Copy of Proceeding No.B/270/TPS/HO/GHMC/2020-22/830 dated 11.08.2022, Copy of G.O.Ms.No.517 dated 10.10.2022, Circular Memo No.2413/Elecs.B/2023 dated .10.2023 and Circular Memo No.11301/Elecs.B/ 2023-2025 dated 16.03.2024 are also filed.

8. The respondents opposed the petitions to condone delay alleging that the reasons cited for delay i.e. change of authorities and the Standing Counsel followed by State Assembly elections are not tenable to condone delay of 820 and 794 days. It is pleaded that the authorities cannot sit over the rights of the individuals, more so when the property is under challenge, without giving proper explanation. It is pleaded that the reasons cited for delay are a repetition of the pleadings in I.A.No.1 of 2024 in W.A.No.1028

of 2024 and I.A.No.1 of 2024 in W.A.No.1033 of 2024. Reference is made to the pleading at paragraph No.16 about submission of a representation dated 24.05.2022 along with copy of the common order in the W.P.Nos.27793 and 27784 of 2018 to initiate action for restoration of building permission and to grant Occupancy Certificate. Once again, a representation was also submitted on 07.03.2023 along with copy of the order in the W.P. to restore the building permission and to grant Occupancy Certificate. The petitioners had full knowledge about the orders in the Writ Petition Nos.27793 and 27784 of 2018 dated 25.04.2022, but the explanation given for the inordinate delay is baseless and untenable. In fact, the respondents have filed Writ Petition No.10048 of 2024 on 16.04.2024 for a direction to the authorities to consider the representations dated 24.05.2022 and 07.03.2023 by considering the orders passed in W.P.Nos.27793 and 27784 of 2018 dated 25.04.2022. In said case, the counsel for petitioners has taken time to file counter before the Single Judge on 09.07.2024 and the matter was posted for orders on 12.07.2024. On 30.07.2024, the counsel reported about filing Writ Appeals by furnishing the USR numbers. No proper explanation is given in the additional affidavit for filing the Writ Appeals having taken time to file counter in W.P.10048 of 2024. In the circumstances, it is pleaded that the

petitioners/appellants have knowledge about the orders of this Court and also about filing of W.P.No.10048 of 2024, but wantonly did not file the appeal in time. As such, the respondents opposed the petition, alleging that the petitioners' case lacks bona fides.

9. During arguments, the learned Advocate General submitted that the vendors of the respondents have played fraud while obtaining the LRS of an unapproved layout. The open space meant for park was converted into plots with numbers such as 19-A and 21-A which is out of serial numbers and thereby, fraud is played on the petitioners. Since fraud is played, the LRS proceedings obtained therefrom and the subsequent proceedings are *non est* and void. It is also urged that anybody who secures an order from the authorities by perpetrating fraud is not entitled to any relief from the Courts of law. It is alleged that only on account of misrepresentation and fraud played by the vendor of the respondents, the LRS application was allowed and pursuant to said LRS, building permission was also granted. According to the learned Advocate General, since the LRS itself is based on fraud, the building permission granted subsequent to such a fraudulent LRS permission is also void and cannot come to the rescue of the respondents to protect the construction work taken up in the premises.

10. With respect to delay, reliance is placed upon the case of *Collector, Land Acquisition, Anantnag and another v. Katiji and others [(1087) 2 SCC 107]*, wherein it is held that while assessing the existence of a ‘sufficient cause’ for delay, Courts should adopt liberal and justice-oriented approach. Also, it is held that no discrimination can be made merely because the party seeking condonation of delay is State. Further, reference is made to the case of *Inder Singh v. State of Madhya Pradesh [2025 SCC OnLine SC 600]*, wherein it is held that as per settled principle of law, delay cannot be condoned without sufficient cause but a major aspect to be kept in mind is that merits have to be examined without scuttling merely on the basis of limitation. Lastly, reliance is also placed upon an order passed by a Division Bench of this Court in W.A.No.269 of 2024 dated 23.06.2025, wherein delay of 759 days was condoned in filing Writ Appeal challenging the order dated 08.02.2022 in W.P.No.24612 of 2010.

11. The learned counsel for respondents vehemently opposed the case presented by the learned Advocate General stating that the alleged open space was in an unapproved layout and said unapproved layout was regularized vide LRS proceedings Nos.LRS/432/CR-11/West Zone/GHMC/2012 dated 14.06.2012 and LRS/919/CR-11/West Zone/GHMC/2012 dated 08.10.2012. Once regularization proceedings

were issued by collecting requisite amounts, now the petitioners cannot take a U-turn and revoke the very proceedings which were issued by them. It is emphasized that the petitioners herein not only regularized an unapproved layout but also granted building permission after due enquiry. Only after enquiry, the LRS proceedings were issued and also building permissions were issued. Having taken all the precautions while granting the regularization proceeding and building permission, it is not open for the petitioners to allege fraud or misrepresentation on the part of the respondent's vendor. The respondents have invested substantial amounts and has constructed about 90% of the building, that too on the basis of building permission granted by the petitioners and therefore, at this juncture the petitioners do not have any locus to challenge the LRS proceeding or the building permission and revoke the same. To demonstrate the conduct of the petitioners in protracting the proceedings in the W.P.No.10048 of 2024, copy of docket proceedings dated 25.06.2024, 02.07.2024, 09.07.2024, 30.07.2024, 27.08.2024 and 03.09.2024 are filed. It is urged that only when the petitioners were compelled to file counter in W.P.No.10048 of 2024 which was filed to implement the order of this Court in W.P.Nos.27784 and 27793 of 2018 dated 25.04.2022 and to issue occupancy certificate and also restore building permission, the present Writ

Appeals are filed that too on account of a suggestion from the Bench as to how the petitioners can evade implementation of the order of this Court in W.P.Nos.27784 and 27793 of 2018 dated 25.04.2022 without challenging the same. It is urged that only when there was a suggestion from the court about filing of Writ Appeal challenging the order passed in favour of the respondents, the petitioners have belatedly by coming up with various frivolous grounds have filed the Writ Appeals along with petitions to condone delay.

12. It is also argued that the petitioners were fully aware of the plots which were regularized being located in the open space of the unapproved layout. Despite the same, by collecting penal charges and pro-rata charges for shortfall of open area, the petitioners have issued LRS proceedings and also issued building permissions. Since the petitioners have collected penal charges and pro-rata charges for decrease in open area, the learned counsel for respondents contends that the petitioners cannot retract to state that any fraud was committed by their vendor while securing the LRS proceedings for the unapproved layout.

13. When the case of the petitioners to condone delay is considered, the first and foremost reason cited for delay is the concerned official by name Narasimha Ramulu being apprehended by the police CIU-ACB

on 21.04.2022 followed by appointment of K. Uma Devi, City Planner as in-charge in addition to her regular duties and appointment of K. Mallikarjun Rao as City Planner by proceedings dated 12.08.2022. When the aforementioned sequence of events is considered, even if it is conceded that the concerned official Narasimha Ramulu's apprehension caused delay in preferring the appeal, the same can be relevant up to 12.08.2022 or for an additional maximum period of one month thereafter i.e. up to September, 2022. When a regular officer K. Mallikarjun Rao is appointed as City Planner, the same should have given an opportunity for deciding about filing of appeal within a reasonable time period from the date of his appointment, however, such is not the case.

14. The next event cited for delay is that the Standing Counsel who are appearing on behalf of GHMC were changed *vide* G.O.Ms.No.517 dated 10.10.2022. The new Standing Counsel to take over the work from the previous Standing Counsel may take some time. Even so, the Writ Appeals ought to have been filed in reasonable time frame. However, up to November 2023 i.e., for more than one year, file was not put up, until a Writ Petition was filed for implementation of orders in W.P.Nos.27793 and 27784 of 2018. In short, the petitioners did not take up any initiative to file the Writ Appeals until they received notice in W.P.No.10048 of 2024.

15. Even assuming that all the aforementioned sequence of events are sufficient cause for delay, the time period thereafter allegedly was taken up on account of entrustment of Special Election Duties for the State Telangana Assembly Elections followed by Parliament Elections. This reason seems far-fetched, as the staff of petitioner-corporation may be engaged in election duties, but the Zonal Commissioner can always take a decision about filing the Writ Appeal. The City Planner also could have sought necessary instructions for filing Writ Appeal or not. The staff being busy with election duty does not seem a convincing reason for the simple reason that while the staff are busy with election duties, the decision makers could have always decided whether or not to file a Writ Appeal and inform the same to the Standing Counsel, who were appointed by proceedings in G.O.Ms.No.517 dated 10.10.2022. Even in case the staff are busy, the Standing Counsel would not be engaged with election duties and therefore they could have always prepared the grounds of Writ Appeal. Further, the petitioners waiting to seek legal opinion from the Standing Counsel till the culmination of elections does not seem convincing.

16. The petitioners reliance upon the order of a Division Bench of this Court in W.A.No.269 of 2024 dated 23.06.2025 is misplaced. In said case, there was continuous correspondence between JNTU and the State about

order passed by this Court, its implementation and contempt proceedings.

Two different institutions and different officers who were not accountable had to decide about filing of writ appeal, whereas, in the instant case, transfers, posting and elections are cited for delay in deciding about obtaining legal opinion from Standing Counsel who is not entrusted with election duties. The decision makers in the GHMC could have always made the decision to file the appeal.

17. There can be no issue of lack of knowledge as the respondents filed W.P.No.10048 of 2024 to implement the order of this Court in W.P.Nos.27784 and 27793 of 2018 dated 25.04.2022. Despite knowledge, the petitioners have not taken any steps to file appeals.

18. Lastly, as per the case in *Inder Singh (supra)*, the Supreme Court of India held that while sufficient cause is necessary for condoning delay, the merits of the case have to be examined and should not be scuttled merely on the basis of limitation.

19. On the basis of aforementioned, the learned Advocate General urged that the State interest has to be taken into consideration as fraud was played by the respondents in obtaining LRS. The petitioners' case cannot be scuttled merely on the basis of delay in filing the Writ Appeal. When the

matter is considered from this angle, it is seen that there was complete knowledge to the petitioners about the location of plots in open space of unapproved layout. Despite the same, the petitioners proceeded to collect penal charges and pro-rata charges for issuing regularization proceedings. That being the case, the petitioners would have no ground to allege that the respondent's vendor played fraud on the petitioner-corporation while obtaining LRS proceedings about location of plots in open space with numbers such as 19-A and 22-A without following the seriatum. It is pertinent to note that the petitioners have collected penal charges and pro-rata charges for shortfall of open area in the unapproved layout. Thus, there can be no issue about the respondent's vendor keeping the petitioners in dark about reduction of open space. It is the petitioners who with full knowledge about shortfall of open area granted LRS proceedings and also granted building permissions. This fact pattern shows that even in case the case of petitioners to condone delay is considered on the basis of merits, there is little scope for prima facie case of fraud or misrepresentation. Thus, we are of the considered opinion that the reasons for delay consisting of apprehension of concerned official by ACB, appointment of a regular officer after a gap of four months followed by change in the Standing Counsel of GHMC can all be considered. However, the staff of petitioner-

corporation, being busy with State Elections or Parliament Elections, cannot be a ground for delay in seeking legal opinion. After inordinate delay, only when the respondents had filed fresh writ petition for implementation of order in W.P.Nos.27793 and 27784 of 2018, the writ appeals are preferred. As such, there are no merits in the petition and the same is liable to be dismissed.

20. In the result, the I.A.No.1 of 2024 in W.A.No.1028 of 2024 and I.A.No.1 of 2024 in W.A.No.1033 of 2024 filed to condone delay of 820 and 794 days respectively are dismissed. Consequently, W.A.Nos.1028 and 1033 of 2024 are dismissed. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

MOUSHUMI BHATTACHARYA, J

RENUKA YARA, J

Date: 06.08.2026
GVL/GVR