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**(2021) 12 TEL CK 0056**

**In the Telangana High Court**

**Case No :** Writ Petition Nos. 8612, 12858, 13740 Of 2021

M/S. G.R. Thanga Maligai Private Limited

APPELLANT

Vs

State Of Telangana And 5 Others

RESPONDENT

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**Date of Decision :** 22-12-2021

**Acts Referred:**

Constitution Of India, 1950 — Article 226

Greater Hyderabad Municipal Corporation Act, 1955 — Section 450

**Citation :** (2021) 12 TEL CK 0056

**Hon'ble Judges :** K.Lakshman, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## **Judgement**

1. W.P. No.8612 of 2021 is filed to declare the action of respondent No.2 - GHMC in rejecting the petitioners' application dated 04.02.2021 to accord permission for construction of building in Plot Nos.1-11-250 in Sy.Nos.53/5 and 89/1, situated at Shyamlal Building, Begumpet, Secunderabad vide letter No.3/C30/02438/2021, dated 05.03.2021 as illegal, and for a consequential direction to respondent No.2 to grant building permission order.

2. W.P. No.12858 of 2021 is filed by the petitioner - M/s. G.R. Thanga Maligai Private Limited & GRT Hotels & Resorts Private Limited, to declare the action of respondent No.2 - GHMC in issuing notice vide Lr.No.E-261677/01/C30/15066/2018/GHMC, dated 04.05.2021 as illegal.

3. W.P. No. 13748 of 2021 is filed by the very same petitioner to declare the action of respondent No.2 - GHMC in issuing the impugned order vide Lr.No.E-261677/01/C30/ 15066/ 2018/ GHMC/ 458, dated 05.05.2021 as illegal.

4. The parties in these writ petitions and the lis involved are one and the same and, therefore, all these writ petitions are disposed of by way of common order.

5. Heard Mr. B. Chandrasen Reddy, learned Senior Counsel appearing on behalf of petitioners in W.P. Nos.12858 of 2021 and 13740 of 2021; Dr. K. Lakshmi

Narasimha, learned counsel representing Mr. B. Jithender, learned counsel for petitioners in W.P. No.8612 of 2021 and respondent Nos.5 and 6 in W.P. Nos.12858 and 13740 of 2021 and Mr. Chatla Madhu, learned Standing Counsel for GHMC.

6. The petitioners in W.P. No.8612 of 2021 are respondent Nos.5 and 6 in W.P. Nos.12858 and 13740 of 2021 and they will be hereinafter referred to as 'unofficial respondents', while the petitioner in W.P. No.12858 and 13740 of 2021, M/s. G.R. Thanga Maligai Private Limited & GRT Hotels & Resorts Private Limited will be referred to as 'the Company' and the official respondents in all the writ petitions being Greater Hyderabad Municipal Corporation will be referred to as 'GHMC'. Therefore, for the sake of convenience, the parties arrayed in W.P. No.12858 of 2021 will be hereinafter referred.

7. The unofficial respondents claim that they are the absolute owners and possessors of House bearing No.1-11-250/B/A (Old No.1-11-250) with open space of land admeasuring 1000 square yards in Survey Nos.53/5 and 89/1, situated at Shyamlal Buildings, Begumpet, Secunderabad. They have purchased the said property through registered sale deed bearing document No.4910 of 1993 in the month of September, 1993.

i) Besides the above said property, there is another property admeasuring approximately 7528 square yards bearing H.No.1-11-249. The same was purchased by the Company in the year 2006. When the said Company tried to encroach the land of the unofficial respondents, they have filed a suit vide O.S. No.258 of 2017 on the file of I Junior Civil Judge, Secunderabad for declaration. In the said suit, they have also filed I.A. No.231 of 2017 for grant of interim injunction, and the same was dismissed. Feeling aggrieved by the same, the unofficial respondents had preferred an appeal vide CMA 19 of 2018 and the same was allowed on 13.11.2018 by the learned XXVII Additional Chief Judge, City Civil Court, Secunderabad. Feeling aggrieved by the said order, the Company filed a revision vide C.R.P. No.483 of 2019, and this Court in I.A. No.1 of 2019, granted status quo on 17.04.2019 with regard to the schedule property for a period of two months. The said two months period was lapsed and no further extension was made.

ii) While so, the GHMC had granted building permission dated 11.09.2019 in favour of the Company without notice to the unofficial respondents and without following guidelines issued by the Government vide G.O.Ms.No.168, Municipal Administration and Urban Development (M) Department, dated 07.04.2021 and G.O.Ms.No.50 of Municipal Administration and Urban Development (Plg.II) Department, dated 22.04.2019. The total area is covered in two house numbers is 1000 square yards of land purchased by the unofficial respondents and 7528 square yards of the land purchased by the Company.

iii) The unofficial respondents had submitted an application dated 04.02.2021 with the GHMC seeking building permission in respect of the premises bearing

House No.1-11-250/B/A (Old No.1-11-250) admeasuring 1000 square yards by paying requisite fee and submitting necessary documents, but the same was rejected vide order dated 05.03.2021 without assigning any reasons. The unofficial respondents had also submitted another application dated 05.03.2021 with the GHMC with a request to accord permission for construction of compound wall. In the said rejection order dated 05.03.2021, the application dated 04.02.2021 submitted by the unofficial respondents was rejected on the ground that their land is shown in the sanctioned plan of the Company vide Building Permission Order dated 11.09.2019. The GHMC did not consider the fact that the Company purchased the land from the same land owners to an extent of 7528 square yards in the same survey numbers viz., Sy.Nos.53/5 and 89/1, situated at Shyamlal Buildings, Begumpet, Secunderabad, whereas, the unofficial respondents had purchased the land way back in the year 1993. The GHMC is also a party to O.S. No.662 of 1994 filed by the unofficial respondents. They have filed a writ vide W.P. No.228 of 2021 before this Court seeking cancellation of the building permission granted in favour of the Company and the said writ petition is pending. Without considering the same, the GHMC had rejected the application submitted by the unofficial respondents, vide order dated 05.03.2021.

8. In W.P. No.12858 of 2021, the petitioner - Company claims that originally late G. Mahalakshmi, M/s. GRT Hotels and Resorts Private Limited, M/s. Macur Hospitality India (P) Limited and M/s. Mamallapuram Hotels (P) Limited and others had purchased the immovable property admeasuring 7528 square yards bearing M.No.1-11-249, 1-11-249/B/1 to 1-11-249/B/6, situated at Begumpet, near Shyamlal Building, Hyderabad falling in Sy.Nos.53/5 and 89/1 of Begumpet Village, Balanagar Mandal, Ranga Reddy District, from their vendors, i.e., M/s. Sairam Carriers, represented by its Managing Partner, Mr. G. Sudarshan Reddy and 17 others under seven (07) different registered sale deeds dated 11.05.2006. The said property was earlier mortgaged by the predecessors-in-title to M/s. Vasavi Co-operative Urban Bank Limited (Mortgagee/Decree-holder) and the said property was put for auction by the said Bank on several occasions from 2003 onwards. The Vendors of the Company had purchased the said property after taking the consent of M/s. Vasavi Co-operative Urban Bank Limited and from the Government of Andhra Pradesh. M/s. Vasavi Co-operative Urban Bank Limited was under reconstruction scheme, and later obtained clearance from the Government of Andhra Pradesh vide Memo No.19201/Co-op III (1) 2005-1, dated 18.04.2006, approved the sale of the said property.

i) While so, M/s. Macnur Hospitality India (P) Ltd. And M/s. Mamallapuram Hotels (P) Ltd., were merged into M/s. GRT Hotels and Resorts Private Limited by virtue of the orders passed by the High Court of Madras dated 13.04.2009 in Company Petition Nos.8 to 10 of 2009. Subsequently, the name of M/s. G.R. Thanga Maligai Pvt. Ltd., was changed to M/s. GRT Hotels and Resorts Private Limited w.e.f. 21.03.2007. The other six purchasers have executed and registered lease deed in favour of the company i.e., M/s. GRT Hotels and Resorts Private Limited vide document Nos.2258, 2259, 2260, 2261, 2262 and 2263 of 2008, dated

26.06.2008. Thus, the total property is 7528 square yard and it is a single block having a compound wall and the owners are the individual family members and the Company run and owned by the same family members. Though the property was 7528 square yards and physically the land available is only 7167 square yards.

ii) One Mr. Bakthula Yadagiri and others have filed a suit for injunction vide O.S. No.489 of 2011 and a suit for declaration, vide O.S. No.594 of 2012, and both the suits were ended in compromise. As per the terms of the said compromise, Mr. Bathula Yadagiri and others have received an amount of Rs.13.00 Crores from the Company. The legal heirs of the Bathula Ramaiah were the parties to both the said suits, and the same legal heirs along with some others were the Vendors of the unofficial respondents. The Company had filed L.G.C. No.26 of 2013 and the Special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad, recorded the compromise memo and closed the LGC case vide order dated 20.06.2013. Thus, the Company and others are enjoying the possession of 7528 square yards (physically available area is 7167 square yards).

iii) The unofficial respondents had filed a suit vide O.S. No.2106 of 2013 for perpetual injunction and the same was dismissed for default on 28.12.2018. In the said suit, they had filed I.A. No.1599 of 2013 seeking interim injunction and the same was dismissed vide order dated 30.11.2015. Challenging the same, they had filed an appeal vide C.M.A. No.5 of 2016 and the same was dismissed as withdrawn on the memo filed by the unofficial respondent on 30.06.2017. They have also sought liberty to file fresh suit by filing a memo dated 13.04.2018. During pendency of the said suit, the unofficial respondents had filed a suit vide O.S. No.258 of 2017 seeking declaration. They have also filed an application vide I.A. No.231 of 2017 seeking interim injunction and the said petition was dismissed vide order dated 17.04.2018. As against the same, they have filed appeal vide CMA 19 of 2018 and the same was allowed. Challenging the same, the Company has preferred a revision vide CRP No.483 of 2019 and this Court has passed an order of status quo. The unofficial respondents have also filed another suit vide O.S. No.483 of 2020 for perpetual injunction and the same is pending. The Company has filed a petition seeking rejection of the plaint and the same is also pending.

iv) While the matter stood thus, the Company had submitted an application on 10.04.2008 seeking permission to construct high rise commercial building consists of 3 cellars, ground + 11 Upper Floors. The GHMC vide its letter dated 01.06.2009 requested the parties to remit an amount of Rs.8,24,38,220/- towards building permit fees, development charges, impact fee and others. Pursuant to the same, the Company had deposited an amount of Rs.2,78,72,820/- and Rs.1,43,51,780/-. Thereafter, the Company has backed out of the said Project due to non-feasibility.

v) The Company had also filed an application on 26.02.2016 seeking building permission and the GHMC vide proceedings dated 21.07.2006 granted

permission for construction of ground + 1st floor for the purpose of construction of function hall. Subsequently, on 06.08.2018, the Company had filed another application for revised building permission and the GHMC vide proceedings dated 11.09.2019 accorded permission for construction of the building for the purpose of running hotel consists of 1 Cellar + Stilt + 6 Upper Floors. At present, construction of 1 cellar, stilt and two Upper Floors are completed and the construction is taken place over an extent of 2200 square yards.

vi) The unofficial respondents have filed a complaint No.742/2020/B1, dated 21.09.2020 before the Lok Ayukta, and the Lok Ayukta directed the GHMC to inspect the subject property and file a report. Accordingly, the GHMC had filed the report on 14.12.2020 stating that the allegations made by the unofficial respondents are absolutely frivolous, unfounded and vexatious. The unofficial respondents by suppressing the true material facts are constantly trying to cause harm to the Company by one means or the other. In the said process, they had approached the GHMC by making a complaint. Accordingly, the GHMC had issued a notice dated 17.02.2021 to which the Company had submitted its objections vide letter dated 22.02.2021. The unofficial respondents have suppressed above said facts about the cases and filed a writ vide W.P. No.228 of 2021 seeking cancellation of the building permit granted in favour of the Company alleging that the Company had obtained the building permit by suppressing the facts including pendency of O.S.No.258 of 2017 and that it has encroached

vii) Special Director v. Mohd. Ghulam Ghouse (2004) 3 SCC 440. their land. The property belongs to the Company is nothing to do with the property of the unofficial respondents. The land admeasuring 361 square yards is encroached by the third parties. The Company had submitted explanation / objections dated 24.02.2021 to the notice dated 17.02.2021 issued by the GHMC. Without considering the same, the GHMC has issued impugned notice dated 04.05.2021.

9. The unofficial respondents have filed counter affidavit with similar allegations made in W.P. No.8612 of 2021. They have also mentioned chronological events and proceedings pending. They have taken a preliminary objection with regard to the maintainability of the very writ petition since it was filed challenging the show-cause notice. Reliance was also placed on the principle laid down by the Hon'ble Supreme Court in Boloram Bordoloi v. Lakhimi Gaolia Bank (2021) 3 SCC 806; Secretary, Ministry of Defence v. Prabhash Chandra Mirdha (2012) 11 SCC 565;

The Company had obtained the building permission by way of suppression and misrepresentation of facts, more particularly, during the pendency of suit O.S. No.258 of 2017, I.A. No.231 of 2017 and CMA No.19 of 2018 and the status quo orders dated 17.04.2019 in C.R.P. No.483 of 2019. Therefore, the GHMC after conducting inquiry passed orders dated 04/05.05.2021 in Lr.No.E-261677/01/C30/15066/2018/GHMC/458. The GHMC has issued notices, conducted inquiry and considered the replies/objections filed by all the parties and finally held that it had decided to initiate action for cancellation of building permission under

Section - 450 of the HMC Act, 1955 for suppression of facts. Thereafter, the GHMC had issued the impugned show-cause notice dated 04.05.2021 vide proceedings Lr.No.E-261677/01/C30/15066/2018/GHMC under Section - 450 of HMC Act, 1955 as to why the building permission dated 11.09.2019 issued in favour of the Company shall not be cancelled under Section - 450 of the HMC Act and requested it to submit explanation within seven (07) days. In the meanwhile, the Company was directed not to make any further construction. Therefore, according to unofficial respondents, there is no error in the said proceedings dated 04.05.2021.

10. The GHMC has filed counter contending that it has received several complaints dated 21.09.2020, 02.12.2020 and 03.12.2020 from unofficial respondent No.5 complaining that the Company had obtained the revised building permission dated 11.09.2019 by way of suppression and misrepresentation of facts. Unofficial respondent No.5 has contended that he had purchased old house which is in dilapidated condition bearing No.1-11-250 (New No.1-11-250/B/A) with open space of land admeasuring 1000 square yards in Sy.Nos.53/5 and 89/1, situated at Shamlal Building, Begumpet, Secunderabad. Mr. G. Rajendran and others have been alleging that they had purchased the land in the same survey number and the said persons are trying to encroach their property. They are constructing a multi-storied building over their land without leaving any setbacks etc. Pursuant to the complaint lodged by the unofficial respondents, the Lokayukta directed the GHMC to inspect the subject property and file a report and accordingly it had submitted a report dated 14.12.2020. The unofficial respondents have filed W.P. No.228 of 2021 challenging the building permission granted in favour of the Company and to cancel the building permit order dated 11.09.2019. On examination of the said complaints and conducting hearing, the GHMC had passed the proceedings dated 04/05.05.2021 deciding to initiate action for cancellation of building permissions under Section - 450 of the HMC Act, 1955 for suppression of facts. Accordingly, the GHMC had issued show-cause notice dated 04.05.2021 to the Company. The Company instead of submitting explanation to the said show-cause notice filed writ petitions vide W.P. No.12858 of 2021 and W.P. No.13748 of 2021 challenging the hearing order dated 04.05.2021. With the said submissions, it sought to dismiss both the writ petitions filed by the Company.

11. The Company has also filed W.P. No.13740 of 2021 to declare the action of the GHMC in issuing the impugned order dated 04/05.05.2021 to initiate the proceedings under Section - 450 of HMC Act, 1955, as illegal with the very same contentions as made in W.P. No.12858 of 2021. The GHMC and the unofficial respondents have also filed their counter and vacate stay petition vide I.A. No.3 of 2021 and 2 of 2021 respectively.

12. The above stated discussion would reveal that there are disputes between the Company and the unofficial respondents. According to the unofficial respondents, they had purchased the land in the year 1993, whereas the

Company had purchased the land in the year 2006. There is chequered history to the subject property. There are disputes with regard to the extent of land and boundaries etc. The Company herein had filed L.G.C. No.26 of 2013 and the same was closed on 20.06.2013 in view of the compromise. One Mr. Bakthula Yadagiri and others had also filed two suits vide O.S. No.489 of 2011 for perpetual injunction and O.S. No.594 of 2012 for declaration. The said suits were ended in compromise and the Company had paid an amount of Rs.13.00 Crores to the said Bathula Yadagiri and others.

13. The unofficial respondents had filed a suit vide O.S. No.2106 of 2013 against the Company for perpetual injunction. In the said suit, they had also filed I.A No.1599 of 2013 for temporary injunction and the same was dismissed. The unofficial respondents had filed an appeal vide C.M.A. No.5 of 2016 and the same was dismissed as withdrawn. In O.S. No.2106 of 2013, the unofficial respondents had filed a memo dated 13.04.2018 stating that they are withdrawing the suit with a liberty to file fresh suit. Pursuant to the same, the said suit O.S. No.2106 of 2013 was dismissed for default on 28.12.2018. During pendency of the said suit, the unofficial respondents had filed a suit vide O.S. No.258 of 2017 against the Company and others seeking declaration. They had also filed I.A. No.231 of 2017 for temporary injunction and the same was dismissed. Aggrieved by the same, the unofficial respondents had filed an appeal vide C.M.A. No.19 of 2018 and the same was allowed by the learned XXVII Additional Chief Judge, City Civil Court, Secunderabad. Challenging the same, the petitioner herein had filed C.R.P. No.483 of 2019. This Court vide order dated 17.04.2019 in I.A. No.1 of 2019 in C.R.P. No.483 of 2019 directed the parties to maintain status quo for two (2) months. The said order was not extended thereafter and the said CRP is pending. The above said suit O.S.No.258 of 2017 is also pending. The unofficial respondents have also filed another suit vide O.S. No.483 of 2020 against the petitioner for perpetual injunction and the same is also pending. In both the suits, the Company has filed an application seeking rejection of the plaint and the said application is also pending.

14. The Company had submitted an application on 10.04.2008 with the GHMC seeking permission of construction of high-rise commercial building consisting of three Cellars, Ground + 2 Upper Floors. The GHMC had directed the parties to remit an amount of Rs.8,24,38,220/- towards building permit fees, development charges, impact fee etc. The Company along with others had deposited an amount of Rs.2,78,72,820/- and Rs.1,43,51,780/-. Thereafter, the Company had backed out the project due to non-feasibility.

15. Thereafter, the Company had submitted an application 06.08.2018 seeking building permission and the GHMC had accorded the same on 26.02.2016 seeking building permission and the GHMC had accorded the same on 21.07.2016 for construction of Ground + First Floor for the purpose of construction of Function Hall. Thereafter, the Company had submitted another application dated 06.08.2018 seeking revised building permission and the GHMC

vide proceedings dated 11.09.2019 had accorded permission for construction of 1 Cellar + Stilt + 6 Upper Floors in favour of the Company for the purpose of running a Hotel. According to the Company, pursuant to the said permit dated 11.09.2019, it had completed the construction of Cellar + Stilt + 2 Upper Floors and the construction is taken place over an extent of 2200 square yards approximately out of the total extent. It is also relevant to note that according to the Company though in the documents it was mentioned as 7528 square yards, physically the land available is only 7167 square yards. The Company is making construction in the land admeasuring 2200 square yards only pursuant to the building permit dated 11.09.2019.

16. It is also relevant to note that the Company has specifically contended that as per the averments of the vendors of unofficial respondents in O.S. No.489 of 2011, the Vendors of the unofficial respondents are the owners of the land admeasuring Acs.1.37 guntas which is equivalent to 9317 square yards. The Company is in the physical possession of an extent of 7167 square yards only. According to the Company, its property is nothing to do with the property claimed by the unofficial respondents. 316 square yards of land belongs to it was encroached by the third parties. Thus, there are disputes between the Company and the unofficial respondents with regard to the said property. During the pendency of the above suit proceedings including O.S. No.258 of 2017 and the status quo order in C.R.P. No.483 of 2019, both the Company and the unofficial respondents have submitted applications seeking permission for construction. The GHMC has issued proceedings dated 11.09.2019 in favour of the Company for construction of 1 Cellar + Stilt + 6 Upper Floors for the purpose of running a Hotel. The application submitted by the unofficial respondents was returned unapproved without any sanction vide proceedings dated 05.03.2021 on the ground that as per inspection, their land is within the sanction plan of GRT vide building file No.1/C30/15066/2018 and permit No.1/C30/13642/2019. The land claimed by the Company and the unofficial respondents is in the very same survey number viz., Sy.Nos.53/5 and 89/1. The unofficial respondents claim right over 1000 square yards or 836 square meters in the premises bearing No.1-11-250, whereas the Company is claiming that it is owner of the land admeasuring 7528 square yards (physically available area is 7167 square yards). Thus, there are complicated questions of fact including the title dispute and identification of property etc. On the complaints made by the Company and the unofficial respondents, the GHMC had conducted hearing and passed orders dated 04.05.2021 and decided to initiate the proceedings under Section - 450 of the HMC Act, 1955. In the said proceedings, the GHMC has considered the entire facts, documents and rival contentions. It is a detailed order consists of 26 pages. The GHMC had also considered the fact that the Company had purchased the land in the year 2006, whereas the unofficial respondents had purchased the land in the year 1993 from the very same land owner. The unofficial respondents are not parties to the earlier suits which were compromised by the Company with Mr. Bathula Yadagiri and others. In the impugned proceedings, dated



04/05.05.2021, the GHMC has specifically mentioned the reasons for taking steps to cancel the building permission that there are certain disputes over the property in Court of law prior to granting of building permission vide permit No.1/C30/13642/2019, dated 11.09.2019 in File No.1/C30/15066/2018; that the subject matter pertains to over lapping of the plot; and that the Company and others had obtained the building permission duly suppression of facts regarding pendency of suits in O.S. No.258 of 2017 and CRP No.483 of 2019 and CMA No.19 of 2018 and the same were not brought to the notice of GHMC while obtaining building permission. With the said findings, the GHMC had decided to initiate action for cancellation of the building permission under Section - 450 of the HMC Act, 1955 for suppression of facts. Pursuant to the same, the GHMC had issued show-cause notice dated 04.05.2021 under Section - 450 of the HMC Act, 1955 requesting the Company to submit its explanation within seven (07) days.

17. As discussed above, the suit filed by the unofficial respondents vide O.S. No.258 of 2017 is for declaration and perpetual injunction.

Status quo order dated 17.04.2019 in I.A. No.1 of 2019 in C.R.P. No.483 of 2019 was ordered by this Court for a period of two months. The said CRP is pending and the said status quo order is not extended. The said facts were not brought to the notice of the GHMC while the Company submitting the revised application dated 06.08.2018 seeking permission for construction of 1 Cellar + Stilt + 6 Upper Floors for the purpose of running a hotel. By the date of filing the said application dated 06.08.2018 by the Company, the said suit O.S. No.258 of 2017 is pending. It is also relevant to note that the learned I Junior Civil Judge, Secunderabad, had granted status quo on 03.05.2017 in I.A. No.231 of 2017 in O.S. No.258 of 2017, and the said I.A. was dismissed on 17.04.2018. Thereafter, the unofficial respondents have filed an appeal vide C.M.A. No.19 of 2018 and the same was allowed on 13.11.2018. Thus, as on the date of application dated 06.08.2018 submitted by the Company seeking revised building permission, the said proceedings are pending. The said facts were not disclosed by the Company in the said application dated 06.08.2018. All the said aspects were considered by the GHMC in the hearing order dated 04/05.05.2021. Pursuant to the hearing order and pursuant to the decision taken by the GHMC to initiate proceedings under Section - 450 of the HMC Act, 1955 for cancellation of the building permission dated 11.09.2019 on the ground of suppression and misrepresentation of facts, the GHMC had issued show-cause notice dated 04.05.2021 to the Company requesting it to submit its explanation within seven (07) days. Challenging the said show-cause notice, the Company has filed W.P. No.12858 of 2021.

18. Mr. B. Chandrasen Reddy, learned senior counsel, referring to various judgments including the proceedings, the GHMC had already come to a conclusion that there is suppression of facts and decided to initiate proceedings under Section - 450 of the HMC Act, 1955 vide hearing order dated 04/05.05.2021, W.P. No.12858 of 2021 is maintainable. The show-cause notice

dated 04.05.2021 issued under Section - 450 of the HMC Act is only a procedural one and it was issued on the strength of hearing order dated 04/05.05.2021, wherein the GHMC has made up its mind to initiate the proceedings under Section - 450 of the HMC Act, 1955. Therefore, W.P. No.12858 of 2021 is maintainable. Whereas, Dr. K. Lakshmi Narasimha, learned counsel representing Mr. B. Jithender, learned counsel for the unofficial respondents, would submit that ordinarily writ petition does not lie against show-cause notice for the reason that it does not give rise any cause of action and it does not amount to an adverse order which affect the right of party unless the same has been issued by a person having no jurisdiction / competency to do so. In fact, show-cause notice does not infringe the right of a party. Even then, the Company instead of submitting the explanation to the show-cause notice dated 04.05.2021 filed the above writ petitions.

19. As discussed above, the GHMC has passed the hearing order dated 04/05.05.2021 on consideration of entire facts including the written submissions / explanation submitted by the parties and after conducting hearing. It is a detailed and reasoned order. As stated above, there is suppression of fact that pendency of suit in O.S. No.258 of 2017 and orders passed in I.A. No.231 of 2017 in O.S. No.258 of 2017, CMA No.19 of 2018 and CRP No.483 of 2019. There are several disputed questions of facts which are complicated in nature. Further, there is dispute with regard to the boundaries, extent and identification of property etc. Neither the GHMC, nor this Court under Article - 226 of the Constitution of India has power to decide the same. When the Company submitted building permission application during pendency of O.S. No. 258 of 2017, the same was rejected by the GHMC on 05.03.2021. The Company had made revised application dated 06.08.2018 with the GHMC by suppressing the said fact. Therefore, the GHMC has rightly passed the hearing order dated 04/05.05.2021 and had rightly issued show-cause notice dated 04.05.2021.

20. Mr. B. Chandrasen Reddy, learned senior counsel, would submit that in the application format, there is no column with regard to mentioning of pendency of cases. In view of the same, this Court directed the learned Standing Counsel appearing for GHMC to produce copy of the format. In the said format, there is column "others". The purpose of mentioning the said column is to mention any other particulars including pendency of case proceedings etc. The Company has not mentioned about pendency of said case in O.S. No.258 of 2017 and, therefore, the Company cannot contend that there is no column in the format. Thus, there is no error in the proceedings dated 05.05.2021 issued by the GHMC rejecting the application submitted by the unofficial respondents and there is also no error in issuing the show-cause notice dated 04.05.2021 to the Company under Section - 450 of the HMC Act, requesting it to submit explanation within seven (07) days. There is also no error in the hearing order dated 04/05.05.2021 passed by the GHMC.

21. In view of the above said discussion, both the Company and the unofficial

respondents instead of waiting for outcome of the proceedings in O.S. No.258 of 2017 made the applications.

i) Therefore, W.P. No.8612 of 2021 filed by Mr. K. Gopi and another is dismissed granting liberty to them to make fresh application on conclusion of proceedings in O.S. No.258 of 2017.

ii) W.P. No.13748 of 2021 filed by M/s. G.R. Thanga Maligai Private Limited & GRT Hotels & Resorts Private Limited is dismissed.

iii) However, W.P. Nos.12858 of 2021 filed by M/s. G.R. Thanga Maligai Private Limited & GRT Hotels & Resorts Private Limited, is disposed of granting liberty to it to submit their explanation to the show-cause notice 04.05.2021 issued by respondent Nos.2 to 4 - GHMC under Section - 450 of HMC Act. The respondent Nos.2 to 4 - GHMC shall consider the said explanation to be submitted by the Company and pass appropriate orders in accordance with law putting the Company and unofficial respondents on notice and affording them an opportunity of hearing. The respondent Nos.2 to 4 - GHMC shall serve a copy of order on the Company as well as unofficial respondents.

iv) In the circumstances of the case, there shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in the Writ Petitions shall stand closed.