

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

WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 18424 OF 2026

Between:

Aruna Agarwal, W/o. Manoj Kumar, aged about 55 years, Occ Housewife,
R/o. H.No.3-2, Road No.23, Alkapur Township, Neknampur Village, Gandipet
Mandal, Ranga Reddy District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Municipal Administration and Urban Development Department, Rep. by its Principal Secretary, Secretariat, NTR Marg, Central Secretariat, Khairatabad, Hyderabad, Telangana-500022
2. The Cyberabad Municipal Corporation, Madhapur, Hyderabad, rep. by its Commissioner.
3. The Deputy Commissioner, Cyberabad Municipal Corporation, Narsingi - Circle 45,
4. The Assistant City Planner, Cyberabad Municipal Corporation, Narsingi - Circle 45,

...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 Writ of Mandamus declaring the action of the respondents in not considering the petitioners representation dated 06.06.2026 submitted under Sections 455-A and 455-AA of the GHMC Act seeking regularization of deviations, if any, in respect of the building situated in Plot No.30, Block-B, Sector-III, Survey No.108, admeasuring 598 Square Yards or 499.9 Square Meters situated at Road No.23, Alkapur Township, Neknampur Village, Gandipet Mandal, Ranga Reddy District under Narsingi Circle-45, Cyberabad Municipal Corporation and consequently proposing coercive action without considering the said representation as illegal, arbitrary and violative of

Sections 455-A and 455-AA of the GHMC Act and consequently direct the respondents not to take any coercive steps including demolition, sealing or interference with the above subject property of the petitioner

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to take any coercive steps including demolition, sealing or interference with the petitioners building situated in Plot No.30, Block-B, Sector-III, Survey No.108, admeasuring 598 Square Yards or 499.9 Square Meters situated at Road No.23, Alkapur Township, Neknampur Village, Gandipet Mandal, Ranga Reddy District, falling under the jurisdiction of Narsingi Circle-45, Cyberabad Municipal Corporation, pending consideration of the petitioners representation dated 06.06.2026 and pending disposal of the present writ petition

Counsel for the Petitioner: SRI. THOOM SRINIVAS

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

**Counsel for the Respondent Nos. 2to4: SRI LAXMAIAH KANCHANI,
SC FOR MUNICIPAL CORPORATION**

The Court made the following: ORDER

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

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.18424 OF 2026

DATE: 17-06-2026

Between:

Mrs. Aruna Agarwal

... Petitioner

AND

The State of Telangana
Rep. By its Principal Secretary,
Municipal Administration and Urban Development Department,
Secretariat, Hyderabad, and others

... Respondents

ORDER :

This writ petition is filed by the petitioner seeking to declare the action of respondents in not considering her representation dated 06.06.2026 submitted under Sections 455-A and 455-AA of the Greater Hyderabad Municipal Corporation Act 1955 (for short 'GHMC Act') in respect of the property bearing Plot No.30, Block-B, Sector-III, admeasuring 598 square yards in Survey No.108 situated at Road No.23, Alkapur Township, Neknampur

Village, Gandipet Mandal, Ranga Reddy District, as being illegal and arbitrary.

2. Heard Mr. Thoom Srinivas, learned counsel for the petitioner, and Mr. Laxmaiah Kanchani, learned standing counsel for respondent Nos.2 to 4. and perused the material on record.

3. It is stated petitioner is the owner of the property bearing Plot No.30, Block-B, Sector-III, Survey No.108 admeasuring 598 square yards situated at Road No.23, Alkapur Township, Neknampur Village, Gandipet Mandal, Ranga Reddy District, i.e., subject property. Petitioner constructed Ground – two (2) upper floors on the subject property about twenty five (25) years ago and it has been utilized for residential purpose.

4. It is submitted that owing to joint family requirements, petitioner constructed additional two (2) floors and a pent house on the subject property over the existing Ground + two (2) upper floors. Respondent No.3 passed impugned speaking order *vide* No.G1/UC/TPS/NRSG/SLPZ/CMC/2026/OW37 dated 29.05.2026 pursuant to a complaint alleging that petitioner has encroached two

public roads (each admeasuring 320 feet X 25 feet at Road No.23, Alkapur Township, by constructing compound walls. That the office of respondent No.3 inspected the site and observed that petitioner was proceeding with construction of 3rd, 4th and 5th floors and a pent house on existing Ground + one (1) upper floor on subject property contrary to the provisions of GHMC Act and Bye-laws made there under, and directed the petitioner to forthwith stop unauthorized construction and remove the same within fifteen (15) days.

5. It is further stated petitioner submitted representation dated 06.06.2026 to respondent No.2 under Sections 455-A and 455-AA of GHMC Act to regularize the unauthorized construction made on the subject property. As there is inaction on the part of respondent authorities in processing the petitioner's representation, she is constrained to approach this Court.

MENANCE OF UNAUTHORIZED CONSTRUCTIONS:

6. Unauthorized constructions in the city of Hyderabad appear to have become a norm rather than breach. Thousands of writ

petitions are filed every year challenging the orders passed by the GHMC/Municipal authorities, whereby, building owners are directed to remove unauthorized constructions. It has become a habit in filing writ petitions even after speaking (demolition) orders have been passed for removal of unauthorized construction. In many such cases, parties are filing applications under Sections 455-A and 455-AA of the GHMC Act for regularization of unauthorized construction and pending consideration of such regularization applications, interim orders have been passed. Courts had been taking lenient view to protect the interests of the parties, pending consideration of such regularization applications. In the counter affidavit filed by GHMC in W.P. (PIL) No.63 of 2016, in paragraph No.28 therein, it was stated that Corporation received 1,38,630 (One lakh thirty eight thousand six hundred and thirty only) applications seeking regularization of unauthorized constructions, from which it can be assumed that now there might be more than two (2) lakhs applications seeking regularization.

7. It is pertinent to note that this Court has not come across a single order passed regularizing unauthorized structures under

Sections 455-A and 455-AA of the GHMC Act. Notwithstanding the entitlement of parties seeking regularization and their eligibility under the above two (2) provisions, in several cases building owners having land of about 100-200 square yards are approaching this Court seeking regularization of structures, as of three (3)/four (4)/five (5) floors even when building regulations (under G.O. Ms.No.168 MA& UD dated 07.04.2012) permit maximum of Stilt (for parking) + two (2) upper floors. The regularization under Sections 455-A and 455-AA can be done only if building permission can otherwise be approved as per the existing building bye-laws and zonal regulations. It is not as if for an area of 100 square yards where building permission to maximum can be granted for Stilt + one (1) or two (2) upper floors, the building can be regularized if four (4) or five (5) floors are constructed, which is incomprehensible.

8. The permissible building envelope (built-up area) as per G.O. Ms.No.168, MA&UD, dated 07.04.2012 is extracted below:

GREATER HYDERABAD MUNICIPAL CORPORATION — TOWN PLANNING SECTION
READY-RECKONER: PERMISSIBLE BUILDING ENVELOPE — NON-HIGH-RISE PLOTS UP TO 750 Sq.m [Table-III, Rule 5, G.C. Ms. No. 168 MA&UD, Dt: 07.04.2012, as amended]

Sl.	Plot size (Sq.m)	Approx. (Sq. Yds.)	Parking	Max. height (m)	Typical floors	Front setback (m) by abutting road width				Other side (m)	Key conditions
						>12-18	>18-24	>24-30	>30-		
1	< 50	< 12		7	G+1	1.5	3	3	3	-	No permission for < 75 Sq. Yds. G.C+1 (R-1) permission self-certified [S.124(i)]
2	50 – 100	60 – 120		7	G+1	1.5	3	3	3	-	OC approval < 100 Sq.m & < 7 m (R.26a)
3	100 – 200	120 – 239		10	G+1	1.5	3	3	3	1.0	Mortgage condition exempt < 200 Sq.m & < 7 m (R.27a)
4	200 – 300	239 – 350	Self	10	G+2	1.5	3	4	5	1.0	Setback 2.5 m clear; excluded from height (R.5a)
5	300 – 400	350 – 470	Self	12	G+2	1.5	4	5	6	1.5	Setback transfer < 1 m side-on-side (rear front) [S.5(f)(vi)], narrow-plot relief < 400 Sq.m (R.5a)(xi)
6	400 – 500	470 – 580	Self	12	G+2	1.5	4	5	6	2.0	500 Sq. Yds. (>418 Sq.m) falls here, green along front & periphery < 300 Sq.m (S.5(f)(iv))
7	> 500 – 750	580 – 897	Self	15	G+3	1.5	4	5	6	2.5	* Commercial cellar may be considered (R.5d) 1.5 m slab opens — net area after road widening decisive

NOTES: (1) No FSI/FAR cap is prescribed under the municipal plan — built-up area < 100 m² for other setbacks & permissible floors; 'excess FSI' is not a valid ground in an objection or sanction order. (2) Setbacks are computed on NET plot area after deducting road-widening affected area (R.5(f)(i)). (3) Setbacking two roads: front setback towards the bigger road (R.5(f)(ii)). (4) Heights 15-18 m require minimum 12 m abutting road. (5) Five NOC: only if plot > 500 Sq.m for congregation buildings; commercial < 15 m; residential < 18 m; < 200 (res.) < 20 m; < 400 (com.) < 20 m; setbacks violations (other than front) limited to 10% for non-high rise (R.26-30). (6) Plots < 500 Sq.m & height < 10 m: instant online self-certified approval under TS-BPASS [S. 74(2)]. Art. 119, 2014 — front & side setbacks on approach roads < 750 (R-2) < 750 (R-2) < 750 (R-2) with express ceps. Jubilee Hills / Parklane Nagar Co. layouts — FAR 1.1, 10 m, G.O. 111/1996 catchment — FSI 0.50, 2 floors/6 m; recreational/buffer zones — 10% coverage, 10 m road, 10 m buffer zone (R.5a). (9) Self parking < 2.5 m clear; excluded from heights.

Sd/-
ASSISTANT CITY PLANNER

Sd/-
CHIEF CITY PLANNER

Sd/-
COMMISSIONER

It is clear from the above that for the plots having area between 100-200 square meters (120-239 square yards), maximum height permissible is ten (10) meters and building permission can be sanctioned maximum for Ground + two (2) upper floors.

9. It is astonishing to notice from several cases filed in this Court that property owners having 400-600 square yards despite having permission for two (2)/three (3) floors are going for construction of extra floor without any permission. Even five floors permission is granted, still sixth (6th) unauthorized floor construction is made and in many cases pent house is constructed. The pent house so constructed in most of the cases is with an

oblique motive to make it appear that terrace (unauthorized portion) is partly constructed and for the so called vaastu or other reasons invented only for seeking relief from the Court. In fact, pent houses constructed in most of the buildings in the city are unauthorized. It is called pent house only to make it appear that structures over the terrace is not constructed for the entire roof but only in the part of roof. The hidden reason however appears to be owner of the property does not want such unauthorized construction to be visible from outside.

10. Several unauthorized constructions in the manner discussed above are made without paying single rupee to the GHMC/Municipal authorities and only fraction of cases land up in Courts, that too because of the vigilant neighbours and sometimes by busy bodies. Many thousands of building owners have constructed unauthorized floors/structures and the loss caused to local authorities i.e., GHMC/Municipal authorities, as the case may be is huge. It is not as if structures are made over night. When unauthorized structures/deviations are made, it is expected of GHMC/Municipality to stop the construction at the initial stages

which is often not done. If unauthorized constructions go unabated then it will send a wrong message to the society. A law abiding citizen who takes permission, constructs building in accordance with sanctioned plan, gets the property assessed, pays property tax, will naturally get an impression that persons making unauthorized construction does not have any fear of law and are going scot free. Both cannot be treated equally, otherwise the wrong doer making unauthorized construction would get habituated and in future may go for another unauthorized building /construction. In the opinion of this Court, the GHMC and the Government also seem to be not having strict policy in tackling unauthorized constructions.

11. This Court in fact heard hundreds of cases where property owners having less than 150-100 square yards also have gone for construction of three (3) - five (5) floors and major portion of structures are unauthorized. Unfortunately Municipal authorities who are aware and supposed to be aware when building construction is commenced violating bye laws and building permission and they are bound to stop such construction, they do not take prompt action. This happens because of political or other

support people enjoy. If unauthorized constructions go unchecked and not regulated and people are allowed to take advantage of orders in similar cases in the guise of regularization under Sections 455-A and 455-AA of GHMC Act, then it may also lead to another danger that people who do not have title to property may also make unauthorized construction either by grabbing or encroaching private or public property. Eventually a person who does not have title to the property may construct building without any building permit from the competent authority. This will not only lead to a dangerous situation but would further lead to colossal loss to the local authorities.

12. The Hon'ble Supreme Court in **Vellore Citizens' Welfare Forum v. Union of India**¹ has recognized the principle "polluter pays" in a matter relating to environmental pollution by tannery industries. On the same analogy wrong doer/property owner making unauthorized construction should be penalized. The wrong doer or violator has to pay. Unless penalty is imposed it would become habitual for the wrong doers and it will lead to unhealthy

¹ (1996) 5 SCC 647

trend and also cause huge loss to State exchequer. Unless persons making unauthorized constructions are penalized this Court feels that there will be no change in their mind set. If about five (5) years back, there were one lakh (1,00,000) unauthorized constructions within GHMC limits (GHMC, MMC, CMC), it can be assumed the figures can be much more in the present times.

13. The unauthorized construction made by violating building bye laws creates burden on the civic administration, infrastructure and environment: huge men and machinery is required to remove and regulate unauthorized construction and as stated above, there is loss to GHMC/ Municipal authorities and they are deprived of building permission fees. Thus, to curb the unauthorized construction this Court finds it necessary to impose costs. There is a need to send clear message that unauthorized constructions cannot be tolerated and have to be penalized.

14. On query of this Court as to why costs should not be imposed for making unauthorized construction, learned counsel for the petitioner submitted that reasonable costs may be imposed.

15. In the instant case, property of petitioner is admeasuring 598 square yards and two (2) floors along with pent house are unauthorizedly constructed i.e., approximately about 8,000-10,000 square feet is unauthorizedly constructed and the value of which will not be less than Rs.3-4 crores.

16. In the above circumstances, the writ petition is disposed of, directing respondent No.2 to consider the representation dated 06.06.2026 submitted by the petitioner under Sections 455-A and 455-AA of the GHMC Act for regularizing the unauthorized construction/floors over the property bearing Plot No.30, Block -B, Sector-III, admeasuring 598 square yards in Survey No.108 situated at Road No.3, Alkapur Township, Neknampur Village, Gandipet Mandal, Ranga Reddy District, and pass orders, in accordance with law, by issuing notice to the petitioner, and all other concerned/interested persons, by affording opportunity of hearing to them, subject to the condition of petitioner paying following costs:

- (i) A sum of Rs.2,00,000/- (Rupees two lakhs only) to the Cyberabad Municipal Corporation (CMC).

The Commissioner, Cyberabad Municipal Corporation shall utilize this amount for providing health benefits to the Class-IV employees like scavengers, sanitary workers, sweepers etc. who are appointed on contractual or outsourcing basis.

- (ii) A sum of Rs.1,00,000/- (Rupees one lakh only) to the Telangana High Court Advocates Association (THCAA). The High Court Advocates Association shall maintain separate account under the Head "Young Advocates Welfare Fund" and shall utilise the amount by framing guidelines for the benefit of young advocates having standing of less than seven (07) years.

17. Pending consideration of the regularization application of the petitioner dated 06.06.2026, *status quo*, obtaining as on today shall be maintained in respect of the structures standing on the subject property.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed. No order as to costs.

MEMORANDUM OF COSTS

	Rs.	Ps.
i) Costs Quantified by Hon'ble Court (That the Petitioner herein and Counsel for the petitioner are directed to pay costs of Rs.2,00,000/- (Rupees Two Lakhs Only) in favour of the Cyberabad Municipal Corporation		
	2,00,000-00	
ii) Costs Quantified by Hon'ble Court (That the Petitioner herein and Counsel for the petitioner are directed to pay costs of Rs.1,00,000/- (Rupees One Lakh Only) in favour of Telangana High Court Advocates Association (THCAA) High Court for the State of Telangana, High Court Buildings, Hyderabad		

1,00,00-00

TOTAL

3,00,000-00

SD/- A.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

One fair copy to THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY
(For His Lordship's Kind Perusal)

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, NTR Marg, Central Secretariat, Khairatabad, Hyderabad, Telangana-500022
2. The Commissioner Cyberabad Municipal Corporation, Madhapur, Hyderabad, rep. by its Commissioner.
3. The Deputy Commissioner, Cyberabad Municipal Corporation, Narsingi - Circle 45
4. The Assistant City Planner, Cyberabad Municipal Corporation, Narsingi - Circle 45
5. The Telangana High Court Advocates Association, High Court for the State of Telangana
6. 11 L.R. Copies.
7. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
8. The Secretary, Telangana Advocates Association Library, High Court Buildings, Hyderabad
9. One CC to SRI. THOOM SRINIVAS Advocate [OPUC]
10. One CC to SRI. LAXMAIAH KANCHANI, SC FOR MUNICIPAL CORPORATION [OPUC]
11. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana, at Hyderabad [OUT]
12. Two CD Copies

Bm
TKS 

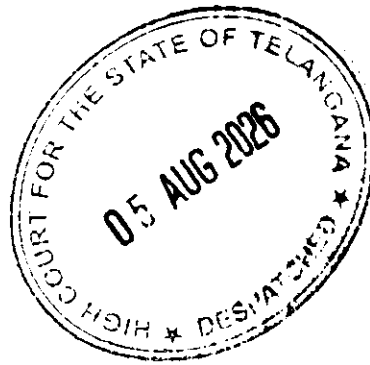
CC TODAY

HIGH COURT

DATED: 17/06/2026

ORDER

WP.No.18424 of 2026



**DISPOSING OF THE WRIT PETITION
WITH COSTS**

27
05/08/26
KL