

The Hyderabad Metropolitan ... vs Mr. Sattiraju Venkateswarlu on 1 October, 2026

IN THE HIGH COURT FOR THE STATE OF TELANGANA441
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT APPEAL Nos. 441, 442, 659 AND 661 OF 2026

Dated: 01.10.2026

Reserved on: 21.09.2026

Pronounced on: 01.10.2026

Uploaded on: 03.10.2026

WRIT APPEAL No.441 of 2026
(CNR No.HBHC010242502026)

BETWEEN:

The Hyderabad Metropolitan Development Authority,
Represented by its Metropolitan Commissioner,
District Commercial Complex, Administrative 'L' Block,
Tarnaka, Hyderabad.

... Appellant

And

Mr. Sattiraju Venkateshwarlu and others

... Respondents

WRIT APPEAL No.442 of 2026
(CNR No.HBHC010242542026)

BETWEEN:

The Metropolitan Commissioner,
Hyderabad Metropolitan Development Authority,
District Commercial Complex, Administrative 'L' Block,

Tarnaka, Hyderabad.

... Appellant

And

M/s. Rolling Hills House Owners' Association
and others

... Respondents

-2-

WRIT APPEAL No.659 of 2026
(CNR No.HBHC010430152026)

Between:

M/s. Patel Engineering Limited and another

... Appellants

And

Mr. Sattiraju Venkateshwarlu and others

... Respondents

WRIT APPEAL No.661 of 2026
(CNR No.HBHC010430162026)

Between:

M/s. Patel Engineering Limited and another

... Appellants

And

M/s. Rolling Hills House Owners' Association
and others

... Respondents

COMMON JUDGMENT:

(Per Hon'ble Sri Justice Vakiti Ramakrishna Reddy) Heard Sri A. Sudershan Reddy, learned Advocate General for the appellants in W.A. Nos.441 and 442 of 2026, and respondent No.13 in W.A. No.659 of 2026 and respondent No.4 in W.A. No.661 of 2026; Sri A. Venkatesh, learned Senior Counsel, representing Ms. Shraddha Gupta, appearing for the appellants in W.A. Nos.659 and 661 of 2026; and Sri T. Sharath, learned counsel appearing for respondent Nos.1 to 11/writ petitioners in W.A. Nos.441 and 659 -3- of 2026

and respondent Nos.1 and 2/writ petitioners in W.A. Nos.442 and 661 of 2026. Perused the material placed on record.

2. These Writ Appeals, preferred under Clause 15 of the Letters Patent, are directed against the Common Order dated 09.06.2025 passed by the learned Single Judge in W.P. Nos.3698 and 16595 of 2023, whereby the writ petitions filed by the respondent- Association and the individual villa owners were allowed, setting aside the revised layout permissions, directing the authorities to bring the constructions into conformity with the original layout within a period of three months, and imposing costs upon the official authorities and the developer entities.

3. Since the parties, facts and questions of law arising in these interconnected Writ Appeals are common, all the appeals having been preferred against the Common Order dated 09.06.2025 passed by the learned Single Judge in W.P. Nos.3698 and 16595 of 2023, they were heard together and are being disposed of by this Common Judgment.

4. W.A. No.442 of 2026, arising out of W.P. No.3698 of 2023, is treated as the lead appeal.

5. Accordingly, for the purpose of this Common Judgment, the parties shall hereinafter be referred to as arrayed in W.A. No.442 of -4- 2026. Since the facts and issues arising in all the connected appeals are substantially common, the facts are being noticed from the record in the lead appeal.

6. The reliefs sought in the connected Writ Appeals may briefly be noticed. W.A. Nos.442 and 441 of 2026, preferred by the appellant, arise out of W.P. Nos.3698 and 16595 of 2023 respectively and are directed against the Common Order dated 09.06.2025 passed by the learned Single Judge. The appellant seeks setting aside of the said Common Order and restoration of the revised layout permissions and the consequential proceedings which were interfered with by the learned Single Judge.

7. W.A. Nos.659 and 661 of 2026, preferred by Respondent Nos.4 and 5 respectively, also arise out of W.P. Nos.16595 and 3698 of 2023 respectively and seek setting aside of the Common Order dated 09.06.2025. In addition, thereto, Respondent Nos.4 and 5 seek a declaration as to the validity and binding nature of the Revised Layout Permit No.2755/Layout/CDA/ PLG/HMDA/2002 dated 26.04.2013, Building Permit No.39591 dated 20.01.2015, the respective revised permit dated 03.11.2017, and the GHMC Order dated 09.01.2023.

-5-

8. Thus, the common relief sought in all the four Writ Appeals is to set aside the Common Order dated 09.06.2025 passed by the learned Single Judge and to sustain the revised layout permissions and the consequential proceedings impugned in the writ petitions. The appeals preferred by Respondent Nos.4 and 5 additionally seek specific declarations regarding the validity and binding nature of the aforesaid permissions and the GHMC Order dated 09.01.2023. **FACTUAL BACKGROUND**

9. The dispute in the present appeals concerns the residential layout known as "Rolling Hills", situated at Gachibowli Village, Serilingampally Mandal, Ranga Reddy District. The

property originally comprised land admeasuring Ac.18.14 guntas in Survey No.31. The then Cyberabad Development Authority (CDA) granted final layout approval in respect of the said land vide Permit No.2755/Final/Layout/CDA/2002 dated 23.08.2004, providing for 101 plots. The approved layout comprised, inter alia, 50,306 square yards towards plotted area, 27,449 square yards towards roads, 8,833 square yards towards park area and 1,742 square yards towards amenities, aggregating to 88,300 square yards.

10. It is the case of Respondent Nos.1 and 2 that, prior to the final approval, the developer had executed gift deeds in respect of the areas earmarked as open spaces and amenities in favour of the -6- competent authority and that the designated open spaces had consequently vested in the authority. The final layout was thereafter released upon completion of the requisite formalities. The layout approval also contained Condition No.12, which, according to Respondent Nos.1 and 2, stipulated that the final layout, once approved and released, would not be revised.

11. Respondent Nos.1 and 2 further contend that the land was thereafter developed into a residential community and villas were constructed therein. The villas were sold to the members of Respondent No.1-Association under registered sale deeds, and the purchasers claim to have been in possession and enjoyment of their respective properties since about the year 2009. According to them, the residential development was enclosed by a compound wall and was being maintained as a common residential community, including the internal roads and open spaces.

12. The record further discloses that Respondent Nos.4 and 5 claim to have acquired the land in Survey No.31 under registered sale deeds executed during the years 1998 and 1999 and also acquired an extent of Ac.4.00 guntas in the adjoining Survey No.32. They entered into a Development Agreement dated 10.11.2003 with M/s. GAR Developers for development of the -7- property. Pursuant thereto, the original layout in Survey No.31 came to be approved on 23.08.2004.

13. Subsequently, in the year 2006, an application was made seeking revision of the approved layout. The proposal contemplated inclusion of the adjoining land in Survey No.32 and modification of portions of the layout pertaining to the open space, park, amenities and internal road network. During the processing of the proposal, the CDA/HMDA issued Letter No.2755/LO/CDA/Plg/HMDA/2002 dated 10.12.2012, in the context of the proposed revision.

14. In the meantime, the Government, by G.O.Ms.No.343, Municipal Administration and Urban Development Department, dated 09.07.2003, had revised the norms relating to Free Floor Area Ratio and reduced the open-space requirement from 25% to 10% of the total layout area. The appellant-authority relied upon the revised norms while processing the subsequent layout proposal. According to the appellant, the revised proposal was technically approved and forwarded for issuance of the requisite layout release proceedings.

15. In the course of the revised layout proceedings, certain registered instruments were executed between the concerned parties and the authorities. The record refers, inter alia, to -8- Relinquishment Deed No.4361 of 2013 dated 18.03.2013 and Gift Deed No.4360 of

2013 dated 18.03.2013, followed subsequently by an amended Gift Deed dated 29.10.2021. The petitioners before the learned Single Judge disputed the legality and effect of these instruments insofar as they concerned portions of the land which, according to them, already formed part of the original approved layout.

16. Thereafter, the original layout was revised vide Revised Layout Permit No.2755/Layout/CDA/PLG/HMDA/2002 dated 26.04.2013. The Greater Hyderabad Municipal Corporation subsequently issued the revised final layout release proceedings vide Proceedings No.B/1109/CCP/TPS/HO/GHMC/2013 dated 27.05.2013. Further permissions were thereafter issued, including Permit No.39591/HO/WZ/Cir.-11/2015 dated 20.01.2015 and Revised Permit No.53374/HO/WZ/Cir.-11/2016 dated 03.11.2017.

17. The principal dispute between the parties concerns the effect of the aforesaid revised layout upon the portions of Survey No.31 which had been earmarked in the original layout towards park, amenities and other common purposes, and the inclusion of adjoining Survey No.32 in the revised arrangement. Respondent Nos.1 and 2 contend that the revision resulted in alteration and -9- adjustment of portions of the original layout and thereby affected rights which had accrued to the purchasers under the original approved layout. The appellant and Respondent Nos.4 and 5, on the other hand, contend that the revised layout was processed and approved by the competent authorities in accordance with the applicable statutory provisions and planning norms, and that the requisite open-space requirement continued to be maintained.

18. Respondent Nos.1 and 2, aggrieved by the subsequent development and the alterations made pursuant to the revised layout, submitted a representation dated 07.03.2022 before the competent authority. They also instituted O.S. No.165 of 2022 before the Principal Junior Civil Judge, Ranga Reddy District, seeking injunctive relief. In addition, they approached this Court by filing W.P. No.18266 of 2022. This Court, by order dated 12.04.2022, directed the competent authority to consider and dispose of the representation dated 07.03.2022 in accordance with law.

19. Pursuant to the aforesaid order, the Greater Hyderabad Municipal Corporation considered the rival claims and the material relating to the original as well as revised layouts. The Commissioner, GHMC, thereafter passed the order bearing Lr.No.117404/21/02/2017/HO/29 dated 09.01.2023, upholding -10- the revised layout and rejecting the objections raised by the writ petitioners.

20. Aggrieved by the aforesaid order and the underlying revised layout permissions, W.P. No.3698 of 2023 was instituted by M/s. Rolling Hills House Owners' Association, seeking, inter alia, a declaration that the Revised Layout Permit dated 26.04.2013, Permit dated 20.01.2015, Revised Permit dated 03.11.2017 and the GHMC order dated 09.01.2023 were illegal, arbitrary, without jurisdiction and violative of [Articles 14, 21](#) and [300-A](#) of the Constitution of India, and for consequential relief.

21. W.P. No.16595 of 2023 was instituted by the members of the Association, challenging the GHMC order dated 09.01.2023 and the revised layout and consequential permissions. In addition to seeking setting aside of the said proceedings, the petitioners therein also

sought a declaration in respect of the relinquishment and gift deeds executed in connection with the revised layout.

22. Before the learned Single Judge, Respondent Nos.4 and 5 contended that the original layout had been sanctioned for individual plots and not as a gated community and that there was no stipulation in the sale deeds conferring upon the purchasers an exclusive right over the adjoining land or preventing revision of the -11- layout. It was further contended that the revised layout maintained the requisite open-space and amenity requirements and that the writ petitions were liable to be dismissed on the ground of delay and laches.

23. The appellant also supported the validity of the revised layout proceedings. Its case was that the competent planning authorities possessed the statutory power to process and approve revised layouts and that the proposal had been examined in accordance with the applicable development-control norms. It was further contended that the revised layout was approved after taking into account the revised Government norms concerning the permissible Free Floor Area Ratio and open-space requirement. The appellant also raised the objection of delay and laches.

24. Respondent No.3-GHMC, in its counter, stated that both the original and revised layouts were sanctioned for individual open plots and not as a layout notified or sanctioned as a gated community. It further stated that, pursuant to the order of this Court in W.P. No.18266 of 2022, the rival claims were examined and the revised layout was upheld by the order dated 09.01.2023.

25. Respondent Nos.1 and 2, in reply, disputed the aforesaid contentions and maintained that the original layout dated -12- 23.08.2004 had already been acted upon, the villas had been sold and possession had been delivered to the purchasers. According to them, the subsequent inclusion of Survey No.32 and adjustment of portions of the park and amenity areas of Survey No.31 could not retrospectively affect the rights claimed by the purchasers under the original sanctioned layout. They also relied upon Condition No.12 of the original layout approval and disputed the applicability of the revised layout permissions.

26. The learned Single Judge allowed both writ petitions by the Common Order dated 09.06.2025, setting aside the revised layout permissions and the GHMC order dated 09.01.2023, directing the authorities to bring the constructions into conformity with the original layout dated 23.08.2004 within three months, and imposing costs upon the official authorities and the developer entities.

27. Aggrieved by the aforesaid Common Order, the appellant has preferred W.A. Nos.441 and 442 of 2026, while Respondent Nos.4 and 5 have preferred W.A. Nos.659 and 661 of 2026. The connected appeals accordingly call for consideration of the legality of the interference made by the learned Single Judge with the revised layout permissions and the consequential proceedings. -13- REASONING OF THE LEARNED SINGLE JUDGE

28. The learned Single Judge examined the statutory framework governing approval and revision of layouts under the [HMDA Act, 2008](#), particularly [Sections 18, 19, 22 and 23](#), and noted that development powers vest in HMDA and that any deviation or departure from an approved development permission has to be dealt with in accordance with law. The Court

took note of the original final layout approval granted under Permit No.2755/Final/Layout/CDA/2002 dated 23.08.2004 in respect of 101 plots, covering a total extent of 88,300 sq. yds., comprising 50,306 sq. yds. of plotted area, 27,449 sq. yds. of road area, 8,833 sq. yds. of park area and 1,742 sq. yds. of amenities area in Survey No.31. Particular reliance was placed on Condition No.12 of the said approval, which, according to the learned Single Judge, stipulated that the final layout, once released, shall not be revised.

29. The Court thereafter considered the subsequent application for revision made in 2006 and the proceedings culminating in the Revised Layout Permit No.2755/Layout/CDA/PLG/HMDA/2002 dated 26.04.2013, followed by Building Permit No.39591 dated 20.01.2015 and Revised Permit No.53374 dated 03.11.2017.

30. The learned Single Judge was of the view that the subsequent revision materially altered the original sanctioned -14- layout by adjusting the open-space, park and amenities areas in Survey No.31 with adjoining land in Survey No.32, which did not form part of the original final layout. The Court observed that by the time the revised layout was sanctioned, substantial portions of the original layout had already been sold and villas had been constructed, and that rights had consequently accrued to the purchasers on the basis of the original sanctioned layout.

31. The learned Single Judge therefore held that the authorities, while revising the layout, were required to take into consideration the rights of the purchasers and could not, in the guise of adjustment, alter the park and amenities areas earmarked in the original layout. The objection regarding delay and laches was also rejected, the Court taking note of the subsequent events, including the representation dated 07.03.2022, O.S. No.165 of 2022, W.P. No.18266 of 2022, the order dated 12.04.2022 directing consideration of the representation, and the consequential GHMC Order dated 09.01.2023. Reliance was also placed upon the principles laid down by the Hon'ble Supreme Court in [Supertech Limited v. Emerald](#) Court Owner Resident Welfare Association¹ and other decisions emphasising the obligation of planning authorities to enforce sanctioned layouts and protect the rights of affected residents.

1(2021) 10 SCC 1 -15-

32. Ultimately, the learned Single Judge concluded that the revision of the final layout dated 23.08.2004, by altering the location and configuration of the park and amenities areas and adjusting such areas with adjoining land in Survey No.32, was unsustainable and amounted to an impermissible exercise of power which adversely affected the rights of the purchasers.

33. The [Court further held](#) that the authorities had failed to adequately consider the impact of the revised layout upon the rights of the writ petitioners and that the subsequent permissions could not be sustained. Consequently, the Revised Layout Permit dated 26.04.2013, Building Permit dated 20.01.2015, Revised Permit dated 03.11.2017 and GHMC Order dated 09.01.2023 were set aside, and the authorities were directed to bring the constructions into conformity with the original layout sanctioned under Permit No.2755/Final/Layout/CDA/2002 dated 23.08.2004, by following due process of law,

within three months. The learned Single Judge also directed payment of costs of Rs.1,00,000/- each by Respondent Nos.1 and 2 and Rs.2,00,000/- each by Respondent Nos.3 and 4 to the Armed Forces Battle Casualties Welfare Fund. -16-

SUBMISSIONS ON BEHALF OF THE APPELLANT IN W.A. Nos.441 AND 442 OF 2026

34. The grounds urged in the memorandum of the writ appeal, and the submissions advanced in support of them by the learned counsel for the appellant, may briefly be noticed:

35. The appellant contends that appellant authorities, being statutory authorities, were required to act in accordance with the rules governing layout approvals and that the revised layout proposal was duly examined and approved vide Letter No. 2755/Layout/CDA/PLG/HMDA/2002 dated 26.04.2013 in respect of Sy.Nos.31(P) and 32(P), Gachibowli Village, Serilingampally Mandal, Ranga Reddy District, and was thereafter released through the Commissioner, GHMC. The appellant further contends that the subject layout is an open layout and not a notified gated community and that the revised layout continued to satisfy the applicable requirement of 10% open space. It is therefore urged that the revised layout was permissible under the rules then in force and that there was no illegality, arbitrariness or excess of jurisdiction on the part of the statutory authorities warranting interference under [Article 226](#) of the Constitution of India.

36. The appellant further contends that the writ petition itself was not maintainable and that the learned Single Judge failed to -17- consider the pendency of W.P.No.3698 of 2023 filed by M/s. Rolling Hills House Owners' Association, of which the writ petitioners in W.P.No.16595 of 2023 are admittedly members. According to the appellant, the cause of action substantially arose from the revision of the layout and not from the subsequent execution of the gift deed in the year 2021. It is therefore contended that the filing and entertainment of a separate writ petition on the same subject matter resulted in multiplicity of proceedings and amounted to an abuse of the process of Court. It is further urged that no writ of mandamus could have been issued in the absence of any failure on the part of the appellant authority to discharge a statutory duty, particularly when the revised layout had been processed and approved in accordance with the applicable rules.

37. It is also contended that the learned Single Judge failed to properly appreciate the delay and laches in challenging the revised layout and that the writ petitioners could not claim ignorance of the revised layout which had been sanctioned several years earlier. The appellant submits that the writ petitioners were, in substance, supporting the construction of a compound wall contrary to the sanctioned layout and that, when the revised layout itself conformed to the applicable development norms, the allegations of -18- arbitrary or illegal action against the statutory authorities were unsustainable. The appellant further contends that the grievance, if any, of the writ petitioners was essentially against the developer/vendor and involved disputed or private-law rights, for which the extraordinary jurisdiction under [Article 226](#) was not an appropriate remedy, particularly when an effective alternative remedy was available.

38. The appellant also questioned the imposition of costs by the learned Single Judge, contending that the authorities had acted bona fide and in accordance with the rules in force while processing and approving the revised layout. It is submitted that there was no basis for attributing any illegality or collusion to the appellant authorities so as to warrant the imposition of costs. On these grounds, the appellant seeks setting aside of the impugned order and restoration of the revised layout and consequential permissions.

SUBMISSIONS ON BEHALF OF THE APPELLANTS IN W.A. NOS.659 AND 661 OF 2026

39. The principal grounds urged by the appellants in W.A. Nos.659 and 661 of 2026 are that W.P. No.16595 of 2023, filed by individual members of the Association, ought not to have been treated as the leading case when W.P. No.3698 of 2023 filed by the Association itself was already pending on the same subject matter. -19- According to the appellants, entertaining the subsequent writ petition resulted in parallel proceedings and multiplicity of litigation, particularly when the individual writ petitioners were admittedly members of the Association. The appellants therefore contend that the maintainability of W.P. No.16595 of 2023 ought to have been examined at the threshold.

40. The appellants further challenge the finding that there was no inordinate delay or laches. It is contended that the revised layout was approved on 26.04.2013, followed by Building Permit No.39591 dated 20.01.2015 and Revised Permit No.53374 dated 03.11.2017, whereas the writ petitions were instituted only in 2023. It is specifically urged that the record disclosed prior knowledge of the revised layout, including the minutes dated 27.11.2007, the letter dated 25.04.2009 furnishing the revised layout to the Association, and the Association's communication dated 03.09.2009 referring to completion and handing over of parks, amenities and common areas as per the layout. The appellants also rely upon proceedings instituted by certain members in O.S. Nos.44 and 118 of 2023, wherein, according to them, the revision of the 2004 layout and consequential increase in the extent of certain plots were acknowledged. On this basis, it is contended that the respondents could not subsequently plead lack -20- of knowledge of the revision and that the challenge was liable to be rejected on the ground of delay, acquiescence and estoppel.

41. The appellants also contend that the learned Single Judge failed to appreciate the substantive legality of the revised layout. It is their case that the revision did not reduce the park area or otherwise deprive the Association of the requisite open space, but merely altered the shape and location of the park and amenity areas. They rely upon [Section 23](#) of the HMDA Act, 2008 and [Regulation 19](#) of the Land Use Zoning, Building and Layout Regulations, 2008 to contend that revision of an approved layout is legally permissible upon obtaining revised sanction.

42. The appellants further submit that the 2013 plan retained 8,833 sq. yds. of park area, constituting approximately 10.12% of the revised layout area of 87,299 sq. yds., as against 10% under the 2004 plan, and that the revised layout therefore continued to comply with the applicable development norms. It is also contended that the areas from Sy.No.31 were compensated by corresponding areas from unsold portions and that no construction was undertaken over land forming part of the relevant open spaces.

43. It is also urged that the learned Single Judge exceeded the permissible scope of judicial review by entering into disputed -21- questions of fact and recording findings of collusion, legal malice and abuse of power without a detailed evidentiary inquiry or trial. It is urged that the writ proceedings were also defective for non- joinder of the purchasers/residents of the adjacent project in Sy.No.32, including more than 575 purchasers whose rights could be directly affected by the direction to restore constructions in accordance with the 2004 layout. The appellants further challenge the direction to restore the constructions within three months as disproportionate and as having been issued without determining the specific constructions requiring alteration or considering the rights of affected third parties. On these grounds, the appellants seek setting aside of the judgment dated 09.06.2025 in W.P. No.3698 of 2023 and restoration and declaration of validity of Revised Layout Permit No.2755/Layout/CDA/PLG/HMDA/2002 dated 26.04.2013, Building Permit No.39591 dated 20.01.2015, Revised Permit No.53374 dated 03.11.2017 and GHMC Order dated 09.01.2023.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NOS.1 AND 2

44. The Respondent Nos. 1 and 2 contend that the final layout for an extent of 88,330 sq. yds. was released on 10.08.2004, pursuant to which the villas were completed by 2009 and possession was handed over to the respective owners. They state that the Rolling Hills Villas in Sy. No. 31 and the adjoining -22- multistoried apartment project in Sy. No. 32 and Sy. No. 31 (part) are separated by a compound wall existing since 2006. According to the respondents, the project was developed and maintained as a gated residential community, with a single entrance and exit, and the Association has continuously maintained the internal roads, electricity, street lights and sewerage. They therefore dispute the appellants' contention that the layout is an open layout, relying also on the GHMC communication dated 11.09.2024. The principal grievance, according to the respondents, is that 1,718 sq. yds. of park area in Sy. No. 31 was absorbed into Sy.No.32 and separated by a boundary wall without notice to the Association, with the said extent presently remaining in the possession and use of Respondent Nos. 4 and 5.

45. The respondents further submit that the dispute arose when Respondent Nos. 4 and 5 attempted to demolish a portion of the existing boundary wall near Plot Nos. B10 and B11, where portions of unsold land in Sy. No. 31 were shown as part of the Tot-Lot area for the Smondo apartment project. They contend that although no construction is presently being carried out on the 1,718 sq. yds., the area is being used for ingress and egress by the adjoining apartment development, thereby affecting the Association's rights over the originally earmarked park and common areas. The -23- respondents maintain that the existence of the compound wall, controlled access and maintenance by the Association establish the character of the project as a gated residential enclave, irrespective of the terminology used by the appellants.

46. It is also stated that they have enforceable rights as purchasers over the earmarked parks, internal roads and common amenities, and that the subsequent creation of third-party interests in the adjoining apartment project should not defeat those rights. On these

grounds, while placing the above facts before the Court, they seek appropriate orders in the writ appeal. POINTS FOR CONSIDERATION

47. Having regard to the rival submissions, the material placed on record and the findings recorded by the learned Single Judge, the following points arise for consideration in these appeals:

- (i) Whether the 2004 sanctioned layout could be validly revised in 2013, particularly when the revised plan retained the required 10% open/park space, though the park area was shifted/adjusted between Sy. Nos. 31 and 32?
- (ii) Whether the revision caused any actual prejudice to the respondent Nos.1 and 2/writ petitioners, when the alleged 1,718 sq. yds. of park area was compensated by providing equivalent park/open-space areas elsewhere in the revised layout?

-24-

- (iii) Whether the respondent Nos.1 and 2/writ petitioners were aware of the revision and acquiesced in the same, having regard to the 2007 meeting, 2009 correspondence, and the subsequent permits issued in 2015 and 2017, and whether the challenge filed in 2023 suffers from delay and laches?
- (iv) Whether the writ petition was maintainable in view of the parallel proceedings, particularly W.P. No. 3698 of 2023 and the civil proceedings concerning the boundary wall and adjoining land, and whether the disputed factual questions could properly be decided under [Article 226?](#)
- (v) Whether, in view of the continued availability of the requisite open/park space and absence of substantial prejudice to the petitioners, the directions of the Learned Single Judge to restore the position as per the 2004 layout were warranted, or require interference in the present writ appeals?

ANALYSIS AND FINDINGS

48. We have carefully considered the submissions advanced by the learned counsel appearing for the respective parties and perused the material available on record. The controversy essentially arises out of the revision of the layout originally sanctioned on 23.08.2004 and the subsequent permissions granted pursuant thereto. The principal grievance of the respondent Nos.1 and 2 is that an extent of 1,718 sq. yds., which -25- formed part of the park area in Survey No.31 under the original layout, was adjusted in the revised arrangement in connection with Survey No.32, thereby affecting their rights under the original layout. On the other hand, the appellants contend that the revised layout was duly sanctioned by the competent authority, that the overall park area of 8,833 sq. yds. was retained, and that the same constituted approximately 10.12% of the revised layout area of 87,299 sq. yds.

49. In our considered view, the controversy can appropriately be examined under the five points for consideration framed above. Since the validity of the subsequent permissions substantially depends upon the validity of the 2013 revised layout, the said points are considered in the following order.

Point (i):

50. The first and foremost question that arises for consideration is whether the revision of the layout originally sanctioned on 23.08.2004, by the Revised Layout Permit dated 26.04.2013, was legally impermissible merely because the location and configuration of a portion of the park/open space were altered and a corresponding extent was adjusted with the adjoining land in Survey No.32. The learned Single Judge proceeded substantially on the premise that, once the final layout had been approved and -26- acted upon by construction and sale of villas, the park and amenity areas earmarked therein had acquired a protected character and could not thereafter be altered by the planning authorities. The appellants, however, contend that the applicable statutory and regulatory framework permitted revision of an approved layout, subject to compliance with the prescribed development norms, and that the 2013 revision was duly processed and sanctioned by the competent authority.

51. At this stage, it would be appropriate to notice the relevant statutory and regulatory provisions governing deviation from and revision of an approved development/layout. [Section 23](#) of the Hyderabad Metropolitan Development Authority Act, 2008 reads as follows:

"23. Deviations during development/undertaking of layout works and unauthorized development/constructions. --

(1) If during the execution of any development works/layout works/and civil works any

deviation/departure is made from the Development Permission granted, the owner shall obtain revised sanction as per the procedure [laid down in Section 19](#).

(2) Where a development/construction is undertaken by an owner, builder or developer without approval or in violation of the Metropolitan Development Plan and Investment Plan or an area development plan or -27- development scheme or any rule, regulation, order, the local authority concerned shall take immediate necessary steps against the said unauthorized development/construction as per the provisions of the respective law.

(3) The Metropolitan Development Authority may give directions to the concerned local authority to take action against any unauthorized development/construction and the said local authority shall take action accordingly."

52. The statutory language is significant. [Section 23\(1\)](#) expressly contemplates a situation where, during the execution of development or layout works, a deviation or departure from the sanctioned development permission occurs and provides for obtaining revised sanction in accordance with the procedure prescribed under [Section 19](#). Thus, the Act itself recognises the possibility of a revised sanction; the mere fact that an earlier development permission had been granted does not, by itself, render every subsequent revision impermissible. At the same time, sub-sections (2) and (3) make it clear that such development must remain within the framework of the applicable development plan, rules,

regulations and orders, failing which the competent authorities are empowered and required to take appropriate action.

53. [Regulation 19](#) of the Land Use Zoning, Building and Layout Regulations, 2008, issued under G.O.Ms.No.288, Municipal -28- Administration and Urban Development Department, dated 03.04.2008, is also relevant to the question of revision of an approved layout. The said Regulations form part of the planning framework applicable to the erstwhile HUDA/HMDA area. The Government's subsequent orders expressly refer to the Layout and Subdivision Regulations notified under G.O.Ms.No.288 dated 03.04.2008 and the amendments thereto.

54. In the present case, therefore, the question is not whether an approved layout is incapable of any modification whatsoever. The statutory scheme under [Section 23](#) itself recognises revised sanction, subject to the prescribed procedure. The relevant enquiry is whether the revision culminating in Revised Layout Permit No.2755/Layout/CDA/PLG/HMDA/2002 dated 26.04.2013 was processed and sanctioned by the competent authority in accordance with the applicable statutory and regulatory framework, and whether the revised layout continued to satisfy the mandatory planning requirements, including the requirement relating to open/park space.

55. The original layout sanctioned under Permit No.2755/Final/Layout/CDA/2002 dated 23.08.2004 comprised, as noticed above, 50,306 sq. yds. towards plotted area, 27,449 sq. yds. towards roads, 8,833 sq. yds. towards park area and 1,742 sq. -29- yds., towards amenities. The material placed before us further shows that, subsequently, an application for revision of the layout was made in the year 2006 and the proposal was processed over a period of time, culminating in the Revised Layout Permit dated 26.04.2013. Thus, the revision was not an unauthorised physical alteration made de hors the planning process; rather, it was preceded by an application and consideration by the competent planning authority and ultimately resulted in a formal revised sanction.

56. The principal objection of the respondent Nos.1 and 2 is not that the revised plan contains no earmarked park or open space, but that an extent of about 1,718 sq. yds., which according to them formed part of the park area originally earmarked in Survey No.31, came to be adjusted/absorbed in connection with the adjoining development in Survey No.32. In examining this contention, however, the material position reflected in the revised plan assumes significance. Under the 2004 plan, the park area was 8,833 sq. yds., constituting approximately 10% of the layout area. Under the 2013 revised plan also, the park area remained 8,833 sq. yds., while the revised total layout area was stated to be 87,299 sq. yds., resulting in approximately 10.12% being retained towards park area. The figures placed before us therefore do not -30- demonstrate a reduction of the aggregate park/open-space area below the applicable statutory or regulatory requirement.

57. It is true that mere retention of the numerical percentage of open space cannot, in every case, conclude the question where the identity, location or accessibility of a specifically earmarked common area is itself the subject of an accrued legal right. Equally, however, the converse proposition--that the precise location of every park or open-space parcel shown in an earlier layout becomes incapable of any subsequent modification irrespective of the

statutory power of the planning authority--is too broad a proposition to accept. The relevant question is whether the competent authority possessed the power to revise the layout and, if so, whether the revised sanction complied with the governing planning norms and whether the alteration resulted in actual legal prejudice to the existing plot owners.

58. In this regard, the appellants have [placed reliance upon Section 23](#) of the HMDA Act, 2008 and [Regulation 19](#) of the Land Use Zoning, Building and Layout Regulations, 2008, contending that the statutory framework contemplated revision of an approved development/layout upon obtaining sanction from the competent authority. The record also shows that the revised proposal was not merely acted upon by the developer on its own, but was examined -31- by the planning authorities and a revised layout permit was issued on 26.04.2013, followed by consequential permissions in 2015 and 2017. Therefore, the mere fact that the 2004 layout was subsequently revised cannot, by itself, render the 2013 sanction void or without jurisdiction.

59. We are also unable to lose sight of the fact that the controversy concerns essentially the location and adjustment of the park/open-space component, rather than its complete extinguishment. The appellants' specific case is that the extent of 1,718 sq. yds. was adjusted against corresponding areas made available from other portions of the layout and that the aggregate park area continued to remain at 8,833 sq. yds. The respondents, on the other hand, contend that the particular portion forming part of the original park was absorbed into Survey No.32 and that they were thereby deprived of the benefit of the original layout. Even accepting the respondents' contention that the physical location of a portion of the park was altered, the material before us does not establish that the total earmarked park/open-space area was reduced below the prescribed requirement.

60. The distinction between reduction of the sanctioned open space and relocation or reconfiguration of the sanctioned open space is material. If the planning regulations require a specified -32- minimum percentage of open space and the revised plan continues to provide such minimum area, the mere change in location or configuration cannot, without more, be treated as an illegality. Of course, such revision must be made by the competent authority, in accordance with the governing law and without defeating any independently vested legal right. In the present case, the revision was formally sanctioned by the competent planning authority and the revised plan retained 8,833 sq. yds. towards the park area.

61. We also find significance in the fact that the respondents themselves do not contend that the revised layout contains no park/open space or that the entire original park area was converted into a built-up area. Their grievance, as emerging from the pleadings and submissions, is principally with the shifting/adjustment of a particular extent of land and the consequential separation of the area by the boundary wall. The material further indicates that the respondents continue to have access to and use the other park/open-space areas shown in the revised layout. Thus, on the facts placed before us, the grievance is substantially with the change in location and configuration, rather than with the disappearance of the statutory quantum of open space.

62. In these circumstances, the question cannot be answered solely by reference to the fact that the 2004 layout had already been implemented. The implementation of the original layout undoubtedly gives rise to rights and legitimate expectations in favour of purchasers; nevertheless, such rights cannot be treated as creating an absolute prohibition against every subsequent modification which the planning law itself permits. What requires examination is whether the subsequent modification was sanctioned by the competent authority and whether it violated the applicable planning norms or caused demonstrable legal prejudice. On the material available in the present proceedings, the revised plan satisfies the minimum open-space requirement and there is no material establishing that the statutory minimum was unlawfully reduced.

63. We are, therefore, of the view that the learned Single Judge, in treating the alteration in the location/configuration of the park area as sufficient, by itself, to invalidate the entire revised layout, did not sufficiently distinguish between a reduction or diversion of the prescribed open space and a duly sanctioned reconfiguration of such space while retaining the prescribed extent. The latter, in the absence of violation of the governing statutory provisions or proof -34- of substantial prejudice to vested rights, cannot be interdicted merely because the position under the earlier layout was different.

64. Consequently, Point (i) is answered in favour of the appellants, subject to the findings recorded on the remaining points. The Revised Layout Permit dated 26.04.2013 cannot be held invalid merely on the ground that the location and configuration of a portion of the park/open space were altered, when the revised layout retained 8,833 sq. yds. of park area, approximately 10.12% of the revised layout area, and the revision had been formally sanctioned by the competent planning authority. The further question whether such alteration caused any actual prejudice to the respondent Nos.1 and 2 is considered separately under Point (ii).

Point (ii):

65. It is necessary to notice at the outset that, as emerges from the pleadings and submissions before us, the principal grievance of Respondent Nos.1 and 2 is that the 2013 revised layout was sanctioned without putting the Association or the individual purchasers to notice and without obtaining their consent, particularly insofar as the extent of 1,718 sq. yds. forming part of the park area in Survey No.31 was adjusted in connection with the adjoining development in Survey No.32. The absence of notice is -35- undoubtedly a relevant circumstance while examining the manner in which the revision was effected. However, the mere absence of notice cannot, by itself, establish that the revised layout is substantively illegal, particularly when the competent planning authority had statutory power to consider and sanction a revised layout and the prescribed park/open-space requirement continued to be satisfied.

66. In the present case, the material placed before us shows that the park area under the original 2004 layout was 8,833 sq. yds., and the same extent of 8,833 sq. yds. continued to be earmarked towards park area in the 2013 revised layout. On the revised layout area of 87,299 sq. yds., the park area constituted approximately 10.12%. Thus, the revision did not result in extinction or reduction of the aggregate park area below the applicable

requirement. The appellants' case is that the extent of 1,718 sq. yds. was adjusted against corresponding areas provided elsewhere in the revised layout and that the revision involved a change in the location and configuration of the park/open-space component rather than its elimination. The figures forming part of the revised plan support the conclusion that the prescribed quantum of open space continued to be maintained. -36-

67. We are conscious that purchasers who acquired their properties on the basis of an approved layout cannot be deprived of vested or accrued legal rights merely by describing a subsequent alteration as a "revision". At the same time, the material before us does not establish that Respondent Nos.1 and 2 have been deprived of the requisite park/open-space facility altogether or that the revised layout falls below the mandatory planning requirement. Their grievance is principally directed against the change in location of a particular extent of park area and the absence of notice before such change. While the failure to give notice may be relevant to the manner in which the revision was processed, the consequence of such omission must be examined with reference to the substantive prejudice caused. In the facts of the present case, the continued availability of 8,833 sq. yds. of park area, constituting approximately 10.12% of the revised layout, substantially answers the grievance insofar as it relates to the quantum of park/open space.

68. It is also significant that Respondent Nos.1 and 2 themselves, in their counter-affidavit filed in the present appeals, have stated that the extent of 1,718 sq. yds. forming part of the park area in Survey No.31 was adjusted by providing corresponding park/open-space areas in Survey No.32. They have -37- further admitted that no construction has been made over the said extent of 1,718 sq. yds. and that the area is presently being used for ingress and egress by Respondent Nos.4 and 5. These admissions assume significance, as they demonstrate that the area in question has not been utilised for construction and that the corresponding open-space requirement has been maintained in the revised arrangement. Consequently, the respondents have not established any actual or continuing loss of the requisite park/open-space area so as to warrant restoration of the original 2004 layout. The paragraphs 5 and 8 from the counter filed by the Respondent Nos.1 and 2 read as follows:

"5. I state that the extent of 1718 sq. yds forming part of the park area in Sy. No. 31 was combined into Sy. No. 32, and a boundary wall was constructed after the absorption was done to ensure that there is separation of Rolling Hills community from the multistoried apartment complex in the adjacent plot. I state that this aspect of the matter was not to the knowledge of the respondent association. And this could be visualized only from the sanction plans. Further, it is submitted that the aforesaid extent of 1718 sq. yds. taken from the park area was adjusted with by providing park/open spaces within the Rolling Hills layout and from Sy. No. 32.

8. I state that there is no construction that is being done on the extent of 1718 sq. yards forming part of Sy. No. -38- 31 which is used as ingress and egress by the respondent No 4 and 5."

69. It is also material that the respondent Nos.1 and 2/writ petitioners have not established before us that the alternate or adjusted park areas provided under the revised layout are incapable of being used for the same purpose for which the original park area was

earmarked. The controversy, therefore, essentially concerns the identity and location of a particular parcel, rather than the complete loss of the amenity itself. We therefore cannot hold that the absence of prior notice, coupled with the adjustment of 1,718 sq. yds., necessarily rendered the entire revised layout void or warranted restoration of every feature of the 2004 layout. Any independent dispute concerning title, possession or use of the particular extent of 1,718 sq. yds. would stand on a different footing and may have to be worked out in appropriate proceedings, but such dispute cannot, by itself, invalidate the revised statutory layout when the prescribed open-space requirement has been maintained.

70. We accordingly hold that, although the grievance regarding absence of notice before the revision is a circumstance requiring consideration, the respondent Nos.1 and 2 have not demonstrated substantive prejudice sufficient to invalidate the revised layout, -39- particularly when the same extent of 8,833 sq. yds. continued to be retained as park area and the revised layout provided approximately 10.12% towards such park area. The grievance of Respondent Nos.1 and 2, to the extent it relates to the loss of the prescribed quantum of park/open space, therefore does not survive. Point (ii) is accordingly answered against the respondent Nos.1 and 2.

Point (iii):

71. The principal grievance of Respondent Nos.1 and 2 is that the revision of the 2004 layout was undertaken without issuing notice to them or providing an opportunity to raise objections. According to them, by then the villas had already been constructed and sold and rights had accrued to the purchasers in respect of the parks and common areas shown in the original layout.

72. However, the record placed before us refers to the meeting dated 27.11.2007, the communication dated 25.04.2009 furnishing the revised layout, and the Association's communication dated 03.09.2009 concerning the handing over of parks, amenities and common areas as per the layout. These documents, relied upon by the appellants, indicate that the Association and its members were aware of the changes in the layout well before the formal approval dated 26.04.2013. Further, consequential -40- permissions were issued on 20.01.2015 and 03.11.2017, whereas the writ petitions were instituted only in 2023.

73. Though the respondents contend that absence of prior notice vitiates the revision, such contention has to be considered along with the question of actual prejudice. The material on record shows that the revised layout retained 8,833 sq. yds. of park area, constituting approximately 10.12% of the revised layout, and that the area adjusted from the original layout was compensated by corresponding open/park areas elsewhere. Therefore, the respondents have not demonstrated that they were ultimately deprived of the requisite open-space area.

74. We are, therefore, of the view that the grievance regarding absence of prior notice, even if accepted, cannot by itself justify setting aside the entire revised layout, particularly when the statutory open-space requirement continues to be satisfied and the record indicates prior knowledge of the revised arrangement. The substantial lapse between the revised

approval in 2013 and the institution of the writ petitions in 2023 is also a relevant circumstance while considering the relief under [Article 226](#).

75. Accordingly, Point (iii) is answered in favour of the appellants to the extent that the plea of absence of notice, in the facts of the -41- present case, does not establish such prejudice as would warrant restoration of the entire 2004 layout or invalidation of the subsequent permissions.

Point (iv):

76. It is not in dispute that W.P. No.3698 of 2023 was filed by Respondent No.1- Association, while W.P. No.16595 of 2023 was filed by individual members of the same Association. The appellants contend that the individual writ petitioners, being members of the Association, could not maintain a separate writ petition on substantially the same cause of action, as such parallel proceedings would result in multiplicity of litigation.

77. We are of the view that the mere fact that the individual petitioners were members of the Association would not, by itself, render the subsequent writ petition wholly non-maintainable. Nevertheless, where the reliefs sought and the questions raised substantially overlap, the Court is required to avoid inconsistent findings and multiplicity of proceedings. In the present case, both writ petitions substantially questioned the same revised layout and the consequential permissions and arose from substantially the same factual background.

-42-

78. It is also relevant that the dispute involves factual questions concerning the extent of land in Survey Nos.31 and 32, the adjustment of the alleged 1,718 sq. yds., the location of the revised park area, the use of the said extent for ingress and egress, and the effect of the various registered instruments and subsequent permissions. However, the essential documents relevant to these questions are undisputed or form part of the official record. More importantly, the respondents themselves have admitted that the 1,718 sq. yds. was adjusted by providing corresponding open/park areas and that no construction has been raised over that extent.

79. In the circumstances, we are of the considered view that the mere existence of certain disputed factual aspects would not, in itself, preclude this Court from examining the writ petitions. The principal issue can be determined on the basis of the sanctioned layouts, statutory permissions and admitted position emerging from the record. Likewise, the existence of civil proceedings concerning the boundary wall does not, by itself, bar the exercise of jurisdiction under [Article 226](#) where the challenge is directed against statutory permissions and orders passed by public authorities.

80. Accordingly, while the appellants' objection regarding overlapping proceedings has some factual basis, we are of the view -43- that the writ petitions cannot be held to be wholly non-maintainable on that ground. Point (iv) is, therefore, answered against the appellants.

Point (v):

81. Having considered the preceding points, the principal question that remains is whether the directions issued by the learned Single Judge to restore the constructions and development in conformity with the original layout dated 23.08.2004 were justified. The foundation of the said direction was that the revision of the original layout had adversely affected the rights of the writ petitioners in respect of the park and common areas. However, as noticed above, the revised layout dated 26.04.2013 retained the same park extent of 8,833 sq. yds., which constituted approximately 10.12% of the revised layout area, and thus continued to satisfy the applicable open-space requirement.

82. It is also material that the alleged extent of 1,718 sq. yds. forming part of the original park area was not utilised for construction. The respondents themselves have stated in their counter that the said extent was adjusted by providing corresponding park/open-space areas and that no construction has been made over the said extent, which is presently being used for ingress and egress. Thus, the admitted position on record does -44- not establish that the respondent Nos.1 and 2/writ petitioners have been deprived of the requisite extent of park/open space or that the revised arrangement has resulted in any corresponding loss of amenity.

83. In such circumstances, the relief of restoring the entire development to the position obtained under the 2004 layout, particularly after the passage of several years and after consequential permissions were issued in 2015 and 2017, would be disproportionate to the grievance established on record. The Court, while exercising jurisdiction under [Article 226](#), is required to mould the relief having regard to the nature of the violation established and the consequences that would follow from the relief granted. Where the requisite open-space requirement continues to be satisfied and no substantial prejudice is demonstrated, a direction to undo the subsequent development merely to restore the earlier configuration would not be warranted.

84. We are, therefore, of the considered view that the respondent Nos.1 and 2 may have had a grievance regarding the manner in which the revision was undertaken and the absence of prior notice, but the material placed before us does not establish a continuing or substantive deprivation of their entitlement to the requisite park/open space. The grievance, to that extent, stands -45- substantially addressed by the fact that the park/open-space area was retained in the revised layout and the area adjusted from Survey No.31 was compensated elsewhere.

85. Consequently, the directions issued by the learned Single Judge requiring the authorities to restore the constructions in conformity with the original 2004 layout cannot be sustained. The consequential setting aside of the revised layout permissions and subsequent statutory proceedings, founded principally upon the alleged deprivation of the original park area, also warrants interference. The revised layout and the consequential permissions are therefore liable to be considered in the light of the applicable statutory norms and the admitted factual position that the requisite open-space area has been maintained.

86. Accordingly, Point (v) is answered in favour of the appellants. The relief granted by the learned Single Judge directing restoration of the development in accordance with the 2004

layout is not warranted in the facts and circumstances of the case. CONCLUSION

87. In view of the foregoing discussion and the findings recorded on the points for consideration, we are of the considered view that the revised layout dated 26.04.2013 cannot be interfered with -46- merely because the location and configuration of the park/open spaces were altered from the original 2004 layout. The revised layout retained 8,833 sq. yds. of park area, constituting approximately 10.12% of the revised layout area, thereby satisfying the applicable open-space requirement.

88. Significantly, Respondent Nos.1 and 2 themselves have admitted that the extent of 1,718 sq. yds. was adjusted by providing corresponding park/open-space areas and that no construction has been raised over the said extent. In the absence of any demonstrated substantive prejudice or deprivation of the requisite open-space entitlement, the grievance of the respondent Nos.1 and 2 does not warrant restoration of the entire layout to its 2004 configuration.

89. Having regard to the subsequent permissions issued in 2015 and 2017, the material indicating prior knowledge of the revised arrangement, and the admitted position emerging from the record, we are of the view that the directions issued by the learned Single Judge to restore the development in conformity with the original 2004 layout were not warranted. Consequently, the setting aside of the revised layout permissions and the consequential proceedings, founded principally upon the alleged deprivation of the original park area, cannot be sustained. The Common Order dated -47- 09.06.2025 is accordingly liable to be set aside, and the writ petitions stand dismissed.

RESULT

90. Accordingly, the Writ Appeals are allowed.

91. The Common Order dated 09.06.2025 passed by the learned Single Judge in W.P. Nos. 3698 and 16595 of 2023 is hereby set aside. Consequently, the writ petitions stand dismissed. The Revised Layout Permit No. 2755/Layout/CDA/PLG/HMDA/2002 dated 26.04.2013, Building Permit No. 39591 dated 20.01.2015, Revised Permit No. 53374 dated 03.11.2017, and the GHMC Order dated 09.01.2023 stand restored.

92. In view of the facts and circumstances of the case, there shall be no order as to costs.

93. Pending miscellaneous applications, if any, shall stand closed.

APARESH KUMAR SINGH, CJ

VAKITI RAMAKRISHNA REDDY, J

Date: 01.10.2026 AS