

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT APPEAL NO: 1108 OF 2023

Writ Appeal under clause 15 of the Letters Patent filed against the order Dated-
02/08/2023 in writ petition No.20479 of 2023 on the file of the High Court.

Between:

1. State of Telangana, Rep-by its Prl. Secretary to Government, Secretariat, Forest Department, Hyderabad.
2. The District Forest Officer, Achampet, Nagarkurnool District.
3. The Forest Range Officer, Kollapur Range, Kollapur Proper and Mandal, Nagar Kurnool District.
4. The Forest Divisional Officer, Achampet, Achampet Proper and Mandal, Nagarkurnool District.

...APPELLANTS

(PROPOSED RESPONDENTS AND RESPONDENTS 4,5&6)

AND

1. Pallapu Chinna Balaiah, S/o Pottenna, Aged about 68 years, Occ Agriculture R/o Maredumandinne, Village Pedda, Kothapalli Mandal, Nagarkurnool District.
2. Pallapu Chandrashekhar, Aged 38 years, Occ Agriculture, R/o Maredumandinne Village Peddakothapalli Mandal, Nagar Kurnool District.
3. Pallapu Eshwaraih, Age 30 years, Occ Agriculture R/o Maredumandinne Village, Peddakothapalli Mandal, Nagar Kurnool District

...RESPONDENTS(PETITIONERS 1to3)

4. The State Of Telangana, Represented by its Principal Secretary, Revenue Department Secretariat Buildings, Hyderabad,
5. The District Collector, Nagarkurnool District, Nagarkurnool Proper and District
6. The Tahsildar, Peddakothapalli Mandal, Peddakothapalli, Proper and Mandal Nagarkurnool District.

....RESPONDENTS
(RESPONDENTS 1,2&3)

7. State of Telangana, Forest Department, Rep by its Prl Secertary to Government, Secretariat, Hyderabad

(Respondent No.7, is impleaded as per Court Order dated 29.11.2023,
Vide IA.No.1 of 2023 in WA.No.1108 of 2023)

...RESPONDENTS

IA NO: 3 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders dated 02/08/2023, in WP.No. 20479 of 2023, Pending Disposal of the Writ Appeal

**Counsel for the Appellant: SRI ETOORU POORNACHANDER RAO,
GP FOR FORESTS**

Counsel for the Respondent Nos. 1to3: SRI K. VENUMADHAV

**Counsel for the Respondent Nos. 4to6: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Appeal No.1108 of 2023

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Etooru Poornachander Rao, learned Government Pleader for Forest Department appears for the appellants.

Mr. K.Venu Madhav, learned counsel for respondents No.1 to 3 (writ petitioners).

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue Department appears for respondents No.4 to 6.

2. With the consent of learned counsel for the parties, the matter is heard finally.

3. In this intra court appeal, the appellants have assailed the validity of the order dated 02.08.2023, passed

by a learned Single Judge by which the writ petition preferred by respondents No.1 to 3 *viz.*, W.P.No.20479 of 2023 has been allowed and the appellants were directed not to interfere with the possession of respondents No.1 to 3 over the subject land and to permit respondents No.1 to 3 to cultivate the subject land.

4. Learned Government Pleader appearing for the appellants has raised a singular contention that the land in question is a forest land and according to the appellants, the patta issued in favour of respondents No.1 to 3 is forged. It is further submitted that the learned Single Judge did not give an opportunity to the appellants to file the counter and, at the motion stage itself, has allowed the writ petition.

5. The fact that the appellants were not given opportunity to file counter has not been disputed by

learned counsel for respondents No.1 to 3. However, it is submitted that on perusal of the record, the learned Single Judge has decided the writ petition.

6. Be that as it may, in the facts and circumstances of the case, the learned Single Judge ought to have granted an opportunity to the appellants to file counter. The impugned order dated 02.08.2023, passed by the learned Single Judge in W.P.No.20479 of 2023 is, therefore, set aside. The appellants shall file counter before the learned Single Judge within a period of three weeks from today. Thereafter, the learned Single Judge is requested to deal with the writ petition afresh on merits.

7. Needless to state that respondents No.1 to 3 (writ petitioners) shall be at liberty to move an application seeking interim relief, before the learned Single Judge, which shall be dealt with expeditiously.

8. The Writ Appeal is, accordingly, disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/- K. SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

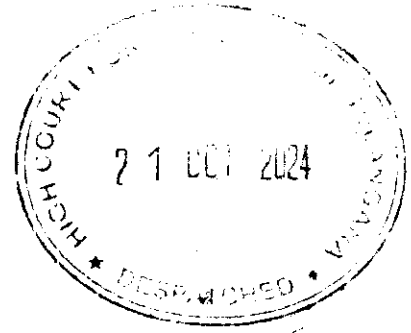
1. The Principal Secretary, Revenue Department Secretariat Buildings, T.S., Hyderabad,
2. The District Collector, Nagarkurnool District, Nagarkurnool Proper and District
3. The Tahsildar, Peddakothapalli Mandal, Peddakothapalli, Proper and Mandal Nagarkurnool District.
4. The Principal Secretary to Government, Forest Department, Secretariat, Hyderabad
5. The Principal Secretary, Forest Department, Represented by Government, Secretariat, Hyderabad.
6. The Principal Secretary to Government, Forest Department, Secretariat, Hyderabad.
7. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana, at Hyderabad.
8. The Section Officer, Posting Section, High Court for the State of Telangana, at Hyderabad.
9. Two CCs to GP FOR FORESTS, High Court for the State of Telangana, at Hyderabad [OUT]
10. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad [OUT]
11. One CC to SRI. K. VENUMADHAV, Advocate [OPUC]
12. Two CD Copies

B M
GJP



HIGH COURT

DATED:20/09/2024



JUDGMENT

WA.No.1108 of 2023

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

(16)
07/10/24
bes