

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

MONDAY, THE NINTH 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: 321 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against  
The Order Dated 23-11-2023 Passed in W.P.No.3958 of 2023 on the file of the High  
Court.

**Between:**

1. State of Telangana, Rep. by its Principal Secretary to Government, Backward Classes Welfare Department, Telangana Secretariat, Hyderabad
2. The District Collector and BC Welfare Office, Nalgonda District, Nalgonda
3. The Secretary MJPTBCWREIS, DSS Bhavan, Masab Tank, Hyderabad-28

**...APPELLANTS/RESPONDENTS**

**AND**

1. The Khader Memorial Educational Society TKMES, Being a society registered under Society Act having its register office at H No 36736 and 737 St No 13 Himayathnagar Hyderabad Rep by its Secretary MA Khaleel S/o MA Khader

**...RESPONDENT/WRIT PETITIONER**

2. The Executive Engineer, R AND B Department, District Office, Nalgonda
3. The Principal, MJPTBCW Residential School Boys Kollimunthal Pahad VILLAGE Devarkonda MANDAL Nalgonda District

**...RESPONDENTS/RESPONDENTS**

**IA NO: 2 OF 2024**

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 operation order dated 23.11.2023 passed in W.P No. 3958/2023 by the learned Single Judge, pending disposal of the main Writ Appeal.

**Counsel for the Appellants: SRI MOHAMMED IMRAN KHAN,  
ADDITIONAL ADVOCATE GENERAL**

**Counsel for the Respondent No.1: SRI G. VIDYA SAGAR, REPRESENTING FOR  
SAI PRASEN GUNDAVARAM**

**Counsel for the Respondent No.2: SRI M. VIGNESWAR REDDY,  
GP FOR ROADS ANDBUILDINGS DEPARTMENT**

**Counsel for the Respondent No.3:---**

**The Court Delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.321 of 2024**

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

Mr. Mohammed Imran Khan, learned Additional Advocate General for the appellants.

Mr. G.Vidya Sagar, learned Senior Counsel representing Mr. Sai Prasen Gundavaram, learned counsel for respondent No.1.

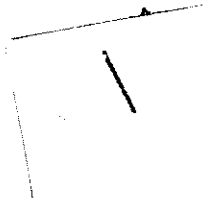
Mr. M.Vigneswar Reddy, learned Government Pleader for Roads and Buildings Department for respondent No.2.

2. This intra court appeal is filed against an order dated 23.11.2023 passed by the learned Single Judge in W.P.No.3958 of 2023, by which writ petition preferred by respondent No.1 has been allowed.

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

4. Facts giving rise to filing of this appeal briefly stated are that respondent No.1 Society claims to be owner and in possession of a college building measuring Acs.5.30 guntas with a total built up area of 1,03,162 square feet consisting of ground + two floors, situated at House No.5-70/1, Survey Nos.457, 458 and 459 of Konda Bheemanapalli Village, Devarakonda Mandal, Nalgonda District (hereinafter referred to as 'the subject property'). Respondent No.1 in the aforesaid premises runs an Engineering College namely Khader Memorial College of Engineering and Technology.

5. The appellants approached respondent No.1 Society in 2019 with a request to lease out the premises of college building to run Mahatma Jyotiba Phule Telangana Backward Classes Welfare Residential Schools (hereinafter referred to as 'MJPTBCW') at Kollimunthala Pahad Village, Devarakonda Mandal, Nalgonda District. On the directions of the District Collector and Backward Class Welfare Officer, the Executive Engineer submitted a report on 28.08.2019 stating that the area of the lease has been calculated at 97,838 square feet. The quantum of rent was



suggested to be fixed at Rs.2,44,596.00 per month in the light of G.O.Ms.No.63 dated 18.04.2011. Thereafter, the deliberations took place between the parties and a meeting was held on 04.11.2019 wherein it was decided to fix the rent at the rate of Rs.7.40 per square feet for a consolidated amount of Rs.7,24,003.00. Thereafter, a lease agreement dated 20.12.2019 was entered into between the parties.

6. Respondent No.1 approached the Secretary of MJPTBCWREIS, DSS Bhavan, Hyderabad, in which a demand was made to pay the arrears of rent from January to December, 2020. Thereupon the Secretary issued proceeding dated 24.05.2021 directing the Principal, MJPTBCW Residential School (Boys), Kollimunthala Pahad Village, Devarakonda Mandal, Nalgonda District, to withhold the monthly rent of school without assigning any reason.

7. Respondent No.1 thereupon submitted a representation on 20.12.2021 and sought to release the rental arrears of Rs.86,88,036.00. Subsequently, a sum of

Rs.6,54,548.00 was paid to respondent No.1. However, thereafter, the District Collector and Backward Class Welfare Officer, Nalgonda District, by an order dated 23.09.2022 issued directions to re-compute the rent of the subject property and pay the rent in respect of area measuring 70,734.79 square feet and the monthly rent of the accommodation was fixed at Rs.5,23,437.00.

8. Respondent No.1 challenged the aforesaid order in a writ petition namely W.P.No.3958 of 2023 *inter alia* on the ground that before passing the impugned order, neither any notice nor any opportunity of hearing was given to it by the District Collector and Backward Class Welfare Officer, Nalgonda District. The learned Single Judge by an order dated 23.11.2023 set aside the proceeding dated 30.09.2022. However, liberty was granted to the appellants to issue notice and to afford an opportunity of hearing and to consider the case of respondent No.1 in accordance with law within a period of eight weeks. The appellants were directed to pay 50% of the rental arrears for the subject property in terms of lease agreement dated 20.12.2019. Hence, this appeal.

9. Learned Additional Advocate General submitted that in compliance of the directions issued by learned Single Judge, the appellants have already initiated the fresh proceeding and notice has been issued to respondent No.1. It is further submitted that the appellants are aggrieved by the direction to pay 50% of the rental arrears. It is further submitted that on computation of the amount, the same shall be paid to respondent No.1.

10. On the other hand, learned Senior Counsel for respondent No.1 has submitted that the directions to pay the rental arrears is just and proper.

11. We have considered the rival submissions made on both sides and have perused the record.

12. The dispute between the parties is primarily with regard to the area of the lease. Once an area of the lease is determined, the arrears of rent can be fixed. Pending determination of the quantum of arrears of rent, the learned Single Judge ought not to have directed the appellants to pay 50% of the rent due.

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13. Therefore, it is directed that the appellants shall conclude the proceeding with regard to determination of the area of the lease within a period of two months and shall fix the rent. As agreed to by learned Additional Advocate General, on determination of the amount due and payable to respondent No.1, the aforesaid amount shall be paid to it within a period of two months therefrom.

14. To the aforesaid extent, the order dated 23.11.2023 passed by the learned Single Judge in W.P.No.3958 of 2023 is modified.

15. In the result, the Writ Appeal is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- T. KRISHNA KUMAR  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Government, Backward Classes Welfare Department, Telangana Secretariat, State of Telangana, Hyderabad
2. The District Collector And BC Welfare Office, Nalgonda District, Nalgonda
3. The Secretary MJPTBCWREIS, DSS Bhavan, Masab Tank, Hyderabad-28
4. Two CCs to The Additional Advocate General, High Court for the State of Telangana, at Hyderabad[OPUC]
5. One CC to Sri Sai Prasen Gundavaram, Advocate [OPUC]
6. Two CCs to The GP for Road and Buildings Department, High Court for the State of Telangana, at Hyderabad[OPUC]
7. Two CD Copies

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**HIGH COURT**

**HCJ  
&  
JSR,J**

**DATED:09/09/2024**



**JUDGMENT**

**WA.No.321 of 2024**

**DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS**

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Copies  
G.B  
28/10/24*