

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

THURSDAY, THE FIFTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL NO: 990 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated. 30-07-2024, Passed in WP.No. 20320 of 2024. on the file of the High Court.

**Between:**

Bolla Ramchandra Reddy, S/o Bolla Veera Reddy, aged about 50 years, Occ. Agriculture, R/o Adavimaddulapally Village, Kamepally, Khammam District.

...APPELLANT/RESPONDENT NO.5

**AND**

1. Gaddam Srinivas Rao, S/o Lingaiah, Aged about 40 years, Occ. Agriculture, R/o Adavi Maddulapally Village, Kamepally Mandal, Khammam District.
2. Gaddam Usharani, W/o Venkateshwarlu, Aged about 40 years, Occ. Agriculture, R/o Adavi Maddulapally Village, Kamepally Mandal, Khammam District.

....RESPONDENTS/WRIT PETITIONERS 1 & 2

3. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Secretariat, Hyderabad.
4. The Collector, Khammam District.
5. The Tahsildar, Kamepally Mandal, Khammam District.
6. The Mandal Surveyor, Kamepally Mandal, Khammam District.

...RESPONDENTS

**IA NO: 1 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 dispense with the filing of Certified copy of order in WP No.20320 of 2024.

**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 of the Order dated 30.07.2024 made in W.P.No.20320 of 2024 pending disposal of the writ appeal

**Counsel for the Appellant: SRI RAPOLU ABHINAV REPRESENTING FOR  
SRI RAPOLU BHASKAR**

**Counsel for Respondent Nos. 1 & 2: SRI M. PRUDHVI RAJ REPRESENTING  
FOR SRI R. MANGULAL**

**Counsel for Respondent Nos. 3 to 6: SRI MURALIDHAR REDDY KATRAM,  
GP FOR REVENUE**

**The Court made the following: ORDER**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.990 of 2024

**JUDGMENT:** *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

This intra court appeal is filed by the appellant aggrieved by the order dated 30.07.2024 passed by the learned Single Judge in W.P.No.20320 of 2024.

2. Heard Sri Rapolu Abhinav, learned counsel representing Sri Rapolu Bhaskar, learned counsel for the appellant, Sri M.Prudhvi Raj, learned counsel representing Sri R.Mangulal, learned counsel for respondent Nos.1 and 2 and Sri Muralidhar Reddy Katram, learned Government Pleader appearing for respondent Nos.3 to 6.

**Brief facts of the case:**

3. The appellant, who is respondent No.5 in W.P.No.20320 of 2024, filed an application before respondent Nos.4 and 5 requesting them to conduct survey in respect of land to an extent of Ac.7.20 gts. in Survey Nos.185/5/10 and 185/5/5/11, situated at Maddulapally

Village of Kamepally Mandal, Khammam District. When respondent Nos.4 and 5 failed to consider the said application, the appellant approached this Court and filed W.P.No.33479 of 2023 and the said writ petition was disposed of on 12.12.2023. Pursuant to the said order, respondent No.6 issued notice dated 25.07.2024 proposing to conduct survey on 30.07.2024. Respondent Nos.1 and 2 have made an application before respondent Nos.4 to 6 requesting them to postpone the survey. Thereafter, respondent Nos.1 and 2 filed W.P.No.20320 of 2024 questioning the notice dated 25.07.2024. Learned Single Judge of this Court while setting aside the notice dated 25.07.2024 granting liberty to the appellant to file an application in pending suit in O.S.No.11 of 2021 on the file of the Agent to Government-cum-District Collector, Khammam, invoking the provisions of Order XXVI Rule 9 of C.P.C. to conduct survey with the help of Surveyor or to note down the physical features. Aggrieved by the said order, the appellant filed this writ appeal.

4. Learned counsel for the appellant submitted that as on the date of disposal of the writ petition, respondent No.6 has already conducted survey and submitted report. The said fact was not brought before this Court while disposing of W.P.No.20320 of 2024. He further submitted that the subject property claimed in the writ appeal and in O.S.No.11 of 2021 are different.

5. *Per contra*, learned counsel for respondent Nos.1 and 2 vehemently contended that the subject property claimed by the appellant is also included in the pending suit. The appellant without impleading respondent Nos.1 and 2 as party respondents filed W.P.No.33479 of 2023 and obtained order. Basing on the said order, respondent No.6 initiated proceedings and issued notice dated 25.07.2024 proposing to conduct survey and the said notice was set aside by this Court. Hence, the consequential proceeding dated 30.07.2024 is also goes.

6. Learned Government Pleader reiterated the very same submissions made by learned counsel for respondent Nos.1 and 2.

7. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the appellant filed W.P.No.33479 of 2023 before this Court questioning the action of respondent Nos.3 and 4 therein in not considering the application dated 26.09.2022 and not conducting survey and demarcation in respect of the land to an extent of Ac.7.20 gts. in Sy.Nos.185/5/10 and 185/5/11, without impleading respondent Nos.1 and 2 as party respondents and the said writ petition was disposed of on 12.12.2023 directing respondent Nos.3 and 4 therein to consider the application submitted by the appellant for conducting survey, demarcation and fixation of boundaries by issuing notice to the concerned/interested persons and pass orders in accordance with law within a period of two months. It further reveals from the record that pursuant to the said order, respondent No.5 deputed respondent No.6 for conducting survey through Memo dated 12.07.2024. Accordingly, respondent No.6 issued notice on 25.07.2024 proposing to conduct survey on 30.07.2024. Pursuant to the said notice, respondent Nos.1 and 2 have

submitted objections on 25.07.2024 and thereafter filed W.P.No.20320 of 2024.

8. Learned Single Judge of this Court in W.P.No.20320 of 2024, while setting aside the impugned notice dated 25.07.2024 issued by respondent No.6, held that the appellant has already filed suit in O.S.No.11 of 2021 before the learned Agent to Government-cum-District Collector, Khammam, seeking perpetual injunction, wherein he filed I.A.No.11 of 2021 for grant of temporary injunction and the said application was dismissed on 16.07.2022 and aggrieved by the same, the appellant filed C.R.P.No.2334 of 2022 and the same is pending before this Court, however, learned Single Judge granted liberty to the appellant to file necessary application under Order XXVI Rule 9 of C.P.C. in pending suit in O.S.No.11 of 2021 to conduct survey with the help of surveyor or to note down the physical features. It is pertinent to mention here that on the very same day, respondent No.6 has conducted survey, without even considering the objections submitted by respondent Nos.1

and 2 and the same is contrary to the earlier orders passed by this Court in W.P.No.33479 of 2023 dated 12.12.2023.

9. For the foregoing reasons, this Court does not find any ground to interfere with the order passed by the learned Single Judge and learned Single Judge has rightly granted liberty to the appellant.

10. Accordingly, the writ appeal is dismissed. No costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- I. NAGALAKSHMI  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER /

to,

1. One CC to Sri Rapolu Bhaskar Advocate [OPUC]
2. One CC to Sri R. Mangulal Advocate [OPUC]
3. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
4. Two CD Copies

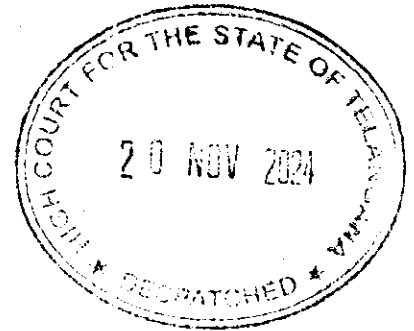
MBC  
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**HIGH COURT**

**DATED: 05/09/2024**



**JUDGMENT**

**WA.No.990 of 2024**

**DISMISSING THE WRIT APPEAL**

**WITHOUT COSTS**

②  
05/11/24  
GVS