

[3377]

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

FRIDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

WRIT PETITION NO: 23935 OF 2024

Between:

1. T. Srinivas Reddy, S/o., Venkat Reddy, Aged about 48 years, Occ. Pvt. Employee, R/o.H.No. 2-1-FC/11, Plot No.728, Fourth Estate Colony (Old Part of Hanuman Nagar), Yellambanda, Shamshiguda Village, Kukatpally Municipal Circle, GHMC, Kukatpally (M) Medchal District.
2. Sri M. NARSING YADAV, S/o MOGULAPALLY @ GOLLA LAXMAIAH, Age 44 years, Occ. Pvt, Employee, R/o. H.No. 2-1-FC/31 (Old No. 2-1-638/A), Plot No.57, Fourth Estate Colony (Old Part of Hanuman Nagar), Yellambanda, Shamshiguda Village, Kukatpally Municipal Circle, GHMC., Kukatpally (M) Medchal District -500072.

AND

...PETITIONERS

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Office At Dr. B.R Ambedkar Telangana Secretariat Buildings, Hyderabad, Telangana State- 500022.
2. The Chief Commissioner of Land Administration, Government of Telangana, Office at Nampally, Opp Annapurna Hotel, Hyderabad, Telangana-500001.
3. The District Collector, Medchal Malkajgiri District, Office At Integrated District Office Complex at Anthaya pally village, Shamirpet Mandal Medchal District Telangana State
4. The Tahsildar Kukatpally Mandal, Medchal Malkajgiri District, Office at KPHB Colony, Kukatpally Village and Mandal, Medchal Malkajgiri District, Telangana State-500085.
5. The Station House Officer, Jagathgirigutta Police Station, Cyberabad Police Station, at JagathgiriguttaQuthbullapur Mandal Medchal Malkajgiri District, Telangana-500037.
6. J. Swamy, S/o Not Known to the Petitioner, Presently Working as Tahsildar Kukapally Mandal, Medchal Malkajgiri District, Telangana State-500085.
7. K. Kranthi Kumar, S/o Not known to the petitioner, Presently Working as The Station House Officer, Jagathgirigutta Police Station, Cyberabad Police Commissionerate, Medchal Malkajgiri District, TS.
8. B. SUBBA RAO, S/o APPA, H.No. aged about 80 years R/o Konetivari Veedhi Patamata Vijayawada, Krishna District, Andhra Pradesh- 521104.

...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 an appropriate Writ Order, Order more particularly one in the nature of Writ of Mandamus declaring Survey Report letter No. B/204/2024 dt. 05/02/2024, issued by the Respondent No.4 as illegal, arbitrary, without jurisdiction and set-aside the same as it is in violation of Article 14, 21, 300-A of the Constitution of India and consequently direct the respondent No.1 to take strict and stringent action against the respondent No.4 for issuing false and misleading Letter No. B/204/2024 dt. 05/02/2024 to the Respondent No.5.

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 suspend the Survey and title declaration Letter No. B/204/2024 dt. 05/02/2024, issued by the Respondent No.4, pending disposal of the above writ petition.

Counsel for the Petitioners: SRI T.RATAN SINGH

**Counsel for the Respondent Nos.1 TO 5: SRI MOHAMMED IMRAN KHAN, ADDL
ADVOCATE GENERAL**

**Counsel for the Respondent No.8: SRI A.PRABHAKAR RAO FOR
SRI C.N.MOORTHY**

Counsel for the Respondent Nos.6 & 7: ---

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE N.V. SHRAVAN KUMAR

WRIT PETITION No.23935 of 2024

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

Mr. T. Ratan Singh, learned counsel for the petitioners.

Mr. Mohammed Imran Khan, learned Additional Advocate
General for the State for respondent Nos.1 to 5.

Mr. A. Prabhakar Rao, learned counsel represents
Mr. C.N.Moorthy, learned counsel for respondent No.8.

2. In this writ petition, the petitioners have assailed the
validity of communication dated 05.02.2024 issued by
respondent No.4.

3. Facts giving rise to filing of this writ petition briefly stated
are that petitioner No.1 claims to be in possession of house
premises bearing H.No.2-1-FC/11 on Plot No.728 admeasuring
80 square yards and petitioner No.2 claims to be in possession of
house bearing H.No.2-1-FC/31 forming part of Sy.No.57/part,
situated at Fourth Estate Colony (Old part of Hanuman Nagar),
Yallamma Banda, Shamshiguda Village, Kukatpally.

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4. It is not in dispute that respondent No.8 has filed O.S.No.199 of 2015 seeking the relief of injunction in which an *ex-parte* order of injunction was granted in favour of respondent No.8. It is also not in dispute that the petitioners had filed an implead petition, namely, I.A.No.656 of 2015 in O.S.No.199 of 2015. The aforesaid application for impleadment was allowed by the trial Court by an order dated 05.01.2018 and the said order has been affirmed by a learned Single Judge of this Court in C.R.P.No.1455 of 2018. S.L.P.No.16081 of 2024 preferred against the said order has been dismissed on 29.07.2024 by the Supreme Court.

5. The Tahsildar sent a communication dated 05.02.2024 to the Station House Officer, Jagathgirigutta Police Station. The aforesaid communication reads as under:

“GOVERNMENT OF TELANGANA
REVENUE DEPARTMENT

From
Swamy,
Tahsildar,
Kukatpally Tahsil.

To
The Station House Officer,
PS Jagadhgirigutta.

Lr.No.B/204/2024 dated: 05.02.2024

Sir,

Sub:- Request to visit the disputed land in Sy.No.57/P situated at Shamshiguda Village Kukatpally Mandal, Medchal-Malgajiri District - Report submitted - Regarding.

- Ref: 1. The Station House Officer, PS Jagadhgirigutta,
No.39/B4/CYB/2024, dated 30.01.2024.
2. Report of the Mandal Girdawar, Kukatpally
Tahsil, Dated 05.02.2024.
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I invite your attention to the subject and reference cited, wherein the Station House Officer, Jagadhgirigutta has requested to visit the disputed land Sy.No.57/P situated at Good Will hotel Chowrastha of Shamshiguda Village, Kukatpally Mandal and furnish report and documents that whether the petitioner P.Krishna Priya has any rights or title over the property or the Laxmaiah and his family have any rights over the said property and who are in the physical possession in the said land for the purpose of investigation. As both parties claiming the said land belongs to them.

In this regard, the Mandal Surveyor and Mandal Girdawar Kukatpally Tahsil has reported that B. Subbarao S/o. Late Apparao has purchased any extent of Ac.07-00 Gts in Sy.No.57/Part situated at Shamshiguda Village Kukatpally Mandal by the virtue of sale deed the same was validated by the District Registrar Rangareddy Vide 3620/AR/2011, dated 26.11.2011.

Further it is to submit that the Hon'ble High Court passed final decree in favour of Subbarao vide No.1043/2011 in C.S.7/1958, dated 30.12.2011 in Sy.No.57/P situated at Shamshiguda Village after passing the final decree, the Hon'ble High Court through its Deputy Registrar of High Court registered the said final decree under registered document bearing No.3366/2012 dated 30.03.2012.

Further informed that they approached the Dy. Collector-cum-Tahsildar, Balanagar Mandal to mutate the names in to revenue records and upon the application the DC & Tahsildar after conducting through enquiry through Mandal Revenue Inspector and given factual report and the then MRO has passed mutation order vide No.B/791/2012 dated 22.06.2012 by incorporating Sri B. Subbarao name in the revenue records as pattadar.

Further as per directions of Hon'ble Court vide application No.480 of 2012 dated 11.09.2013 Receiver-cum-Commissioner conducted panchanama and delivered physical possession of the property to Sri B. Subbarao who registered GPA in favour of P.Krishna Priya vide No.317/2013, dated 27.11.2013. There is no title to respondents/Laxmaiah and his

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family in revenue records and possession of Smt. P.Krishna Priya is absolute owner and possessor.

This is for favour of information.

Yours faithfully,

Tahsildar,
Kukatpally Tahsil.

Copy submitted to Collector & District Magistrate, Medchal-Malkajgiri District for favour of kind information.

Copy submitted to Revenue Divisional Officer, Malkajgiri Division for favour of kind information.”

6. Thus, it is evident that the petitioners are not parties to the aforesaid communication and therefore the aforesaid communication, which is an internal communication between the Tahsildar and the Station House Officer, does not furnish the petitioners any cause of action to assail the same in a petition under Article 226 of the Constitution of India.

7. Needless to state that in case any prejudicial action is taken against the petitioners on the basis of the aforesaid communication dated 05.02.2024, the petitioners are at liberty to take recourse to the remedy of filing a civil suit by seeking appropriate relief.

8. With the aforesaid liberty, the writ petition is disposed of.

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Miscellaneous petitions, pending if any, stand closed.

There shall be no order as to costs.

**SD/-K. SREE RAMA MURTHY
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Office At Dr. B.R Ambedkar Telangana Secretariat Buildings, Hyderabad, Telangana, State of Telangana - 500022.
2. The Chief Commissioner of Land Administration, Government of Telangana, Office at Nampally, Opp Annapurna Hotel, Hyderabad, Telangana-500001.
3. The District Collector, Medchal Malkajgiri District, Office At Integrated District Office Complex at Anthaya pally village, Shamirpet Mandal Medchal District Telangana State
4. The Tahsildar Kukatpally Mandal, Medchal Malkajgiri District, Office at KPHB Colony, Kukatpally Village and Mandal, Medchal Malkajgiri District, Telangana State-500085.
5. The Station House Officer, Jagathgirigutta Police Station, Cyberabad Police Station, at JagathgiriguttaQuthbullapur Mandal Medchal Malkajgiri District, Telangana-500037.
6. One CC to SRI T.RATAN SINGH, Advocate [OPUC]
7. Two CCs to ADDL ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad. [OUT]
8. One CC to SRI C.N.MOORTHY, Advocate [OPUC]
9. Two CD Copies

PSK.

BS

K.P.

HIGH COURT

DATED:22/11/2024

ORDER

WP.No.23935 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

12 Copies

[Signature]
29/11/24.