

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT APPEAL NO: 199 OF 2024

Writ Appeal under clause 15 of the Letters Patent against the order dated 28-04-2023 in W.P No. 36753 of 2022 on the file of the High Court.

Between:

1. S.Anandjeet Kaur, W/o. Late Sri. Thandra Shiva Kumar Goud, Aged about 41 years, Occ.Housewife.
2. Thandra Akshaya, D/o.Late Sri. Thandra Shiva Kumar Goud, Aged about 20 years.
3. Thandra Tanu Sree, D/o.Late Sri.Thandra Shiva Kumar Goud, Age.14 years, Rep.by her natural mother and guardian, Smt.S.Anandjeet Kaur, W/o.Late Sri. Thandra Shiva Kumar Goud. All are the R/o.Quarter No.306/1/A, BHEL Township, R.C.Puram, Jyothi Vidyalaya School, Ramchandrapuram, Sangareddy District, Telangana State. Rep.by GPA holder Sri. Ram Gopal Rao, S/o.Late Narsinga Rao, aged about 62 years, Occ.Retired State Government Officer, R/o.Plot No.33, Senor Valley, Film Nagar, Jubilee Hills, Hyderabad - 500 033.

...APPELLANTS/WRIT PETITIONERS

AND

1. The State of Telangana, Rep.by by its Principal Secretary, Revenue Department, Secretariat Buildings, Saifabad, Hyderabad.
2. The District Collector, Ranga Reddy District at Kongarakalan.
3. The Joint Collector, Ranga Reddy District at Kongarakalan.
4. The Tahsildar, Serilingampally Mandal, R.R.District.
5. Habeebunnissa Begum, W/o Not Known to the Petitioner Aged about 49 years, Occ.Housewife, R/o.H.No.6-2-11/2, Khairatabad, Hyderabad.
6. Smt Raja Rajeshwari, W/o.Not Known to the Petitioner Aged about 60 years, Occ.Housewife, R/o.H.No.6-2-11/2, Green Lands, Hyderabad.
7. Dr Reddys Estates Pvt. Ltd, Rep by its Authorised Signatory, V.Ch.Kameshwar Rao S/o V Subba Rao Aged about 52 years, Occ.Business, R/o.H.No.7-1-27, Ameerpet Hyderabad.

8. V. Ch. Karreshwar Rao, S/o.V Subba Rao, Aged about 52 years, Occ.Business, R/o.Ameerpet. Hyderabad - 500 016.
9. M/s Satish Reddy Estates (P) Limited, Rep by its Authorised Signatory, K.Ranga Reddy S/o.K.Pichi Reddy, Aged about 55 years, Occ.Business, R/o.7-1-27, Ameerpet, Hyderabad - 500 001.
- 10.K.Ranga Reddy, S/o.K.Pichi Reddy, Aged about 55 years, Occ.Business, R/o.7-1-27. Ameerpet, Hyderabad - 500 001.
- 11.M/s Cipro Estates (P) Limited, Rep by its Authorised Signatory, T.Sambi Reddy S/o.T.Anji Reddy, Aged about 35 years. Occ.Business, R/o.7-1-27, Ameerpet, Hyderabad - 500 016.
- 12.T.Sambi Reddy, S/o.T.Anji Reddy, Aged about 35 years. Occ.Business, R/o.7-1-27, Ameerpet, Hyderabad - 500 016.
- 13.M/s Quin Estates (P) Limited, Rep by its Authorised Signatory D.Ravinder Rao S/o D Hanumanth Rao, Aged about 55 years, Occ.Business, Office at premises bearing No 7-1-27, Ameerpet, Hyderabad - 500 016.
- 14.D.Ravinder Rao, S/o D Hanumanth Rao, Aged about 55 years, Occ.Business, Office at premises bearing No 7-1-27, Ameerpet, Hyderabad - 500 016.
- 15.Kallam Sathis Reddy, S/o. Dr.K.Anji Reddy, Aged about 40 years, Occ.Business, R/o.8-2-576/1, Road No.7, Banjara Hills, Hyderabad - 500 034.
- 16.M/s My Home Constructions Pvt Ltd, Rep by its Executive Director, Sri J Jagapathi Rao S/o J Venkat Rao, Aged about 60 years, Occ.Business, R/o.My Home Jupally Complex, 5th Floor Premises bearing No.6-3-865, Ameerpet Road Somajiguda, Greenlands, Hyderabad 500 016.
- 17.T.Jayapal Reddy, S/o.T.Elias Reddy, Aged about 58 years, Occ.Business, R/o.8-2-576/1, Road No.7, Banjara Hills, Hyderabad 500 034.
- 18.M/s Vinod Real Estates Pvt Ltd, Rep by its Director, J.Venkat Rao S/o J.Srinivas Rao Aged about 56 years, Occ Business, Regd.Office at Premises bearing No 6-3-102, Raj Bhavan Road, Somajiguda, Hyderabad - 500 082.

...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 direct the 3rd respondent to consider the Case No.21003/2022, dt.06.08.2022 filed under Section 98 of the Telangana Tenancy and Agricultural Lands Act, 1950, by suspending the order of the learned single Judge in WP.No.36753/2022, dt.28.04.2023, pending disposal of the Writ Appeal.

IA NO: 3 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 grant stay of proceeding with any construction in creating third party interest by the 16th respondent in respect of the land admeasuring Ac.4.26 Gts., in Sy.No.98 of Madeenaguda Village, Serilingampally Mandal, R.R.District, pending disposal of the Writ Appeal.

**Counsel for the Appellant : SRI VEDULA SRINIVAS, Sr.COUNSEL,
rep., Ms.VEDULA CHITRALEKHA**

**Counsel for the Respondents No.1to4 : SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

Counsel for the Respondents No.5to15 : --

Counsel for the Respondents No.17 : --

**Counsel for the Respondents No.16&18 : SRI E.AJAY REDDY,
rep., Ms.E.ANISHA REDDY**

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.199 of 2024

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

Mr. Vedula Srinivas, learned Senior Counsel representing Ms. Vedula Chitralekha, learned counsel for the appellants.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for respondent Nos.1 to 4.

Mr. E.Ajay Reddy, learned Senior Counsel representing Ms. E.Anisha Reddy, learned counsel for respondent No.16.

2. This intra court appeal has been filed against an order dated 28.04.2023 passed by the learned Single Judge in W.P.No.36753 of 2022.

3. Learned Senior Counsel for the appellants has invited the attention of this Court to the prayer in the writ petition, which reads as follows:

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"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or orders more particularly one in the nature of writ of Mandamus challenging the inaction of the Respondents in particular the 3rd Joint Collector in not considering the petition Case No.21003 of 2022, dt.06.08.2022 filed by the Petitioner U/s.98 of the Telangana Tenancy and Agricultural Lands Act, 1950 (Act of 1950) in seeking summary eviction of Respondent No.5 to 18 herein and delivery of physical and vacant possession of land admeasuring Ac.4.26 gts., in Sy.No.98 of Madinaguda Village, Serilingampally Mandal, Ranga Reddy District in favour of Petitioners herein being legal heirs of Late Thandra Muttaiah in accordance with CRP No.6788/1980 wherein this Hon'ble Court having dismissed the said CRP and held that the Respondents No.5 and 6 herein had no title, right or interest in respect of land admeasuring 17.01 gt., in Old Survey Nos.63, 65, 67, 68 and 69 correlated with New Sy.No.90, 92, 93, 94, 95, 96 and 98 of Madinaguda Village, Serilingampally Mandal, Ranga Reddy District and inspite of the same, Respondents No.6 to 18 successors in interest are continuing construction as being arbitrary, illegal and violative of the Petitioner Fundamental Rights under Article 14, 19(1) (g) and 300-A Constitution of India and the Tenancy Act, 1950 and consequently direct the 3rd Respondent Joint Collector to consider the petition of the Petitioner U/s.98 of the Act of 1950 for summary eviction of Respondents No.7 to 18 and delivery of physical and vacant possession of land admeasuring Ac.4.26 gts., in

Sy.No.98 of Madinaguda Village, Seringampally Mandal, Ranga Reddy District in the interest of justice and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

4. Learned Senior Counsel for the appellants submits that the scope of the writ petition was limited to issuing a direction to the Joint Collector namely respondent No.3 to decide the application preferred by the appellants under Section 98 of the Telangana Tenancy and Agricultural Lands Act, 1950. However, on the basis of the counter filed on behalf of respondents, the learned Single Judge has entered into the merits of the case and has recorded findings against the appellants.

5. After arguing the matter to some extent, learned Senior Counsel for the appellants seeks leave of this Court to withdraw the appeal with the liberty to seek review of the order dated 28.04.2023 passed by the learned Single Judge in W.P No.36753 of 2022 by bringing to the notice of learned Single Judge that the scope of the writ petition was confined to issuing a direction to the Joint Collector to decide the petition preferred by the appellants.

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6. Accordingly, the Writ Appeal is dismissed as withdrawn with liberty as aforesaid.

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

//TRUE COPY//

SD/-B. SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to Ms.VEDULA CHITRALEKHA, Advocate. [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
3. One CC to Ms.ANISHA REDDY, Advocate. [OPUC]
4. Two CD Copies.

BSK

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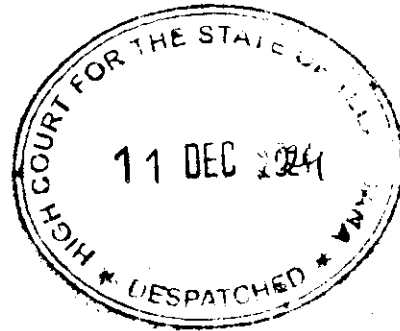
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HIGH COURT

DATED:25/10/2024

JUDGMENT

WA.No.199 of 2024



**DISMISSING THE WRIT PETITION
AS WITHDRAWN
WITHOUT COSTS**

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5/12/24
7 copies.