

[3418]

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

FRIDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

I.A.Nos.2 OF 2023 & 1,2 AND 3 OF 2024

IA/AND

WRIT PETITION NOS: 13477 AND 22539 OF 2023

W.P.NO: 13477 OF 2023

Between:

M/s Bhagwan Sri Balsaibaba Central Trust, Having its registered office at Srinilayam, Kurnool and Branch office at 6-1-507/A/2, Khairatabad, Hyderabad. Represented by its Managing Trustee Sri T. Rama Rao, S/o Sri Suryanarayana, aged 56 years, R/o Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary Revenue (ULC) Department, Secretariat, Hyderabad, Telangana.
2. The State of Telangana, Represented by its Principal Secretary Revenue Endowments 11/1 Department, Secretariat, Hyderabad, Telangana.
3. The Special Officer and Competent Authority Urban Land Ceiling, Chandravihar, Exhibition Grounds Hyderabad.
4. The Commissioner, Endowments Department, of Telangana, Tilak Road, Boggulakunta Hyderabad.
5. M/s Bhupathi Associates, Rep. by its Managing Partner, Sri B.V. Siva Rama Raju, H.No.4-5-32/56, Opp. Little Flower School, 1st lane, Vidyanagar, Guntur - 522 007.

...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 a writ, direction or order more particularly one in the nature of a Writ of Certiorari, declaring the order of the Respondent No.1 through Memo No.12629/ULC.II(3)/2008 dated 05-05-2023 and the consequential G.O.MS.No.45 dated 06-05-2023, wherein the Respondent No.1 has allowed the review petition filed by the Respondent No.5, permitting to amend the G.O.Ms.No.2065 dated 29-11-2005 by ordering to substitute the words M/S

Bhupati Associates in place of the words Bhagavan Sri Bala Saibaba Central Trust, without issuing any notice to the Petitioner Trust, without conducting any enquiry, as being illegal, arbitrary, violation of principles of natural justice, and also against the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 and the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 and further violation of rights guaranteed under Article 14 and 300 A of the Constitution of India and consequently by calling for the entire record of the Memo No.12629/ULC.II(3)/2008 dated 05-05-2023 and the consequential G.O.MS.No.45 dated 06-05-2023, from the Respondent No.1 and consequently set-aside the same.

IA NO: 1 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 Memo No.12629/ULC.II(3)/2008 dated 05-05-2023 and the consequential G.O.MS.No.45 dated 06-05-2023, pending disposal of the above writ petition.

IA NO: 2 OF 2023

Between:

Mr. M.Prabhakar Rao, S/o. M.Venkatramaiah, Aged about 62 years, Occ: Business, R/o. Plot N.543, Opp MCRHRD Institute, Road No.26, Jubilee Hills, Hyderabad-500033.
Rep. by his GPA Holder Mr. Y.Madhu Babu.

**...IMPLEAD PETITIONER/
PROPOSED RESPONDENT No.6**

AND

1. M/s Bhagwan Sri Balsaibaba Central Trust, Having its registered office at Srinilayam, Kurnool and Branch office at 6-1-507/A/2, Khairatabad, Hyderabad. Represented by its Managing Trustee Sri T. Rama Rao, S/o Sri Suryanarayana, aged 56 years, R/o Hyderabad.

...WRIT PETITIONER/RESPONDENTS

2. The State of Telangana, Represented by its Principal Secretary Revenue (ULC) Department, Secretariat, Hyderabad, Telangana.
3. The State of Telangana, Represented by its Principal Secretary Revenue Endowments 11/1 Department, Secretariat, Hyderabad, Telangana.
4. The Special Officer and Competent Authority Urban Land Ceiling, Chandravihar, Exhibition Grounds Hyderabad.

- 5 The Commissioner, Endowments Department, of Telengana, Tilak Road, Boggulakunta Hyderabad.
- 6 M/s Bhupathi Associates, Rep. by its Managing Partner, Sri B.V. Siva Rama Raju, H.No.4-5-32/56, Opp. Little Flower School, 1st lane, Vidyanaagar, Guntur - 522 007.

...RESPONDENTS/RESPONDENTS

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 implead the petitioner herein as party respondent No. 6 in W.P. No. 13477 of 2023 on the file of this Hon'ble Court.

IA NO: 1 OF 2024

Between:

1. Vege Veeraiah S/o. Late Seetharamaiah, aged about 74 years, Occ: Agricultural, R/o. Jangamgudem, Nuziveedu Mandal, Eluru District.
2. Vege Pothuraju, S/o. late Vege Nagabushanam, Aged about 63 years, Occ: Agriculture, R/o. Peda Avutupalli Village, Unguturu Mandal, NTR District, Andhra Pradesh.
3. Vege Bamma D/o. late Vege Nagabushanam, Aged about 54 years, Occ: Housewife, R/o. KASPA, Jagannadhapuram, Madugula-Mandal, Visakhapatnam, Andhra Pradesh.
4. Vege Sitharamaiah, S/o. late Vege Nagabushanam, Aged about 50 years, Occ: Agriculture, R/o. Peda Avutupalli Village, Unguturu Mandal, NTR District, Andhra Pradesh.
5. Vege Sarojini W/o. late Vege Bhaskara Rao, aged about 74 years, occ: Housewife, R/o. Peda Avutupalli Village, Unguturu Mandal, Krishna District, Andhra Pradesh.
6. Vege Sathyanarayana S/o Late Vege Bhaskara Rao, Aged about 52 years, occ: Agricultural, R/o. Peda Avutupalli Village, Unguturu Mandal, Krishna District, Andhra Pradesh.
7. Thatineni Bhanumathi D/o Late Vege Bhaskara Rao, Aged about 50 years, Occ: Housewife, R/o. PedaAvutupalli Village, Unguturu Mandal, Krishna District, Andhra Pradesh.
8. Vege Raghavaiah Choudary, S/o. late Vege Bhaskara Rao, aged about 42 years, Occ: Business, R/o. Flat No.2-22-240/13, Savera Complex, Bhagya Nagar Colony, K.P.H.B, Hyderabad.
9. Vege Suresh, S/o. late Vege Bhaskara Rao, aged about 40 years, Occ: Business, R/o. Plot No.98, F-202, Akshaya Residency, Eenadu Colony, Kukatpally, Medchal, PIN: 500072, Hyderabad.

...PETITIONERS/PROPOSED RESPONDENTS 6 TO 14

AND

1. Bhagwan Sri Balsaibaba Central Trust, Having its registered office at Srinilayam, Kumool and Branch office at 6-1-507/A/2, Khairatabad, Hyderabad. Represented by its Managing Trustee Sri T. Rama Rao.

...RESPONDENT/PETITIONER

2. The State of Telangana, Represented by its Principal Secretary Revenue (ULC) Department, Secretariat, Hyderabad, Telangana.

3. The State of Telangana, Represented by its Principal Secretary Revenue Endowments 11/1 Department, Secretariat, Hyderabad, Telangana.
4. The Special Officer and Competent Authority Urban Land Ceiling, Chandravihar, Exhibition Grounds Hyderabad.
5. The Commissioner, Endowments Department, of Telengana, Tilak Road, Boggulakunta Hyderabad.
6. M/s Bhupathi Associates, Rep. by its Managing Partner, Sri B.V. Siva Rama Raju, H.No.4-5-32/56, Opp. Little Flower School, 1st lane, Vidyanagar, Guntur - 522 007.

...RESPONDENTS

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 implead the petitioners herein as respondents 6 to 14 in the writ petition No. 13477 of 2023 as necessary and proper parties in the Writ Petition.

IA NO: 2 OF 2024

Between:

Sri M.Ramakrishna, S/o. Sri M.V.Raghavaiah, Age: 63 years, Occ: Nil, R/o. 1-1-336/39/A/1, Vivek Nagar, Chikkadpally, Hyderabad, Telangana-500020.

...PETITIONER/PROPOSED RESPONDENT No.6

AND

1. M/s Bhagwan Sri Balsaibaba Central Trust, Having its registered office at Srinilayam, Kurnool and Branch office at 6-1-507/A/2, Khairatabad, Hyderabad. Represented by its Managing Trustee Sri T. Rama Rao, S/o Sri Suryanarayana, aged 56 years, R/o Hyderabad.

...WRIT PETITIONER/RESPONDENT

2. The State of Telangana, Represented by its Principal Secretary Revenue (ULC) Department, Secretariat, Hyderabad, Telangana.
3. The State of Telangana, Represented by its Principal Secretary Revenue Endowments 11/1 Department, Secretariat, Hyderabad, Telangana.
4. The Special Officer and Competent Authority Urban Land Ceiling, Chandravihar, Exhibition Grounds Hyderabad.
5. The Commissioner, Endowments Department, of Telengana, Tilak Road, Boggulakunta Hyderabad.
6. M/s Bhupathi Associates, Rep. by its Managing Partner, Sri B.V. Siva Rama Raju, H.No.4-5-32/56, Opp. Little Flower School, 1st lane, Vidyanagar, Guntur - 522 007.

...RESPONDENTS

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 implead and bring on record the proposed Respondent as Respondent No. 6 in W.P. No. 13477 of 2023 as well as in all other I.A's in this writ, in the interest of justice.

IA NO: 3 OF 2024

Between:

1. Mrs. Jaladi Usha, W/o. J.Ravindranath, D/o. Late Thimmayya, Aged about 52 years, Occ: Housewife
2. Mrs. Cherukuri Sandya, W/o. C.Ravi Shankar, D/o. Late Thimmayya, Aged 48 years, Occ: Housewife.
3. Mr. Rajinikanth Gaddam, S/o Venkata Rao, Aged 43 years, Occ: Business.

All address for correspondence is Plot No.94, Road No.13-A, Banjara Hills, Hyderabad-500034, Telangana.

**...IMPLEAD PETITIONERS/
PROPOSED RESPONDENT No.6 TO 8
AND**

1. M/s Bhagwan Sri Balsaibaba Central Trust, Having its registered office at Srinilayam, Kurnool and Branch office at 6-1-507/A/2, Khairatabad, Hyderabad. Represented by its Managing Trustee Sri T. Rama Rao, S/o Sri Suryanarayana, aged 56 years, R/o Hyderabad.

...RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Represented by its Principal Secretary Revenue (ULC) Department, Secretariat, Hyderabad, Telangana.
3. The State of Telangana, Represented by its Principal Secretary Revenue Endowments 11/1 Department, Secretariat, Hyderabad, Telangana.
4. The Special Officer and Competent Authority Urban Land Ceiling, Chandravihar, Exhibition Grounds Hyderabad.
5. The Commissioner, Endowments Department, of Telangana, Tilak Road, Boggulakunta Hyderabad.
6. M/s Bhupathi Associates, Rep. by its Managing Partner, Sri B.V. Siva Rama Raju, H.No.4-5-32/56, Opp. Little Flower School, 1st lane, Vidyanagar, Guntur - 522 007.

...RESPONDENTS/RESPONDENTS

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 implead the Petitioners herein as party Respondent No. 6 to 8 in the above writ petition on the file of this Hon'ble Court.

IA NO: 6 OF 2023

Between:

M/s Bhupathi Associates, A partnership firm, Having its office at H.No.4-5-32/56, Opp. Little Flower School, 1st lane, Vidyanagar, Guntur, Andhra Pradesh, Rep. by its Authorised Signatory Mr. Madhu Babu Malreddy.

...RESPONDENT NO.5/VACATE PETITIONER

1. M/s Bhagwan Sri Balsaibaba Central Trust, Having its registered office at Srinilayam, Kurnool and Branch office at 6-1-507/A/2, Khairatabad, Hyderabad. Represented by its Managing Trustee Sri T. Rama Rao, S/o Sri Suryanarayana, aged 71 years, R/o Hyderabad.

...WRIT PETITIONER/RESPONDENT

AND

1. The State of Telangana, Represented by its Principal Secretary Revenue (ULC) Department, Secretariat, Hyderabad, Telangana.
2. The State of Telangana, Represented by its Principal Secretary Revenue Endowments 11/1 Department, Secretariat, Hyderabad, Telangana.
3. The Special Officer and Competent Authority Urban Land Ceiling, Chandravihar, Exhibition Grounds Hyderabad.
4. The Commissioner, Endowments Department, of Telangana, Tilak Road, Boggulakunta Hyderabad.

...RESPONDENTS/RESPONDENTS

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 vacate the status quo orders passed vide orders dt. 15.06.2023 in W.P. No. 13477 of 2023 and batch, and consequently dismiss the writ petitions in W.P. No. 13477 of 2023 and batch with exemplary costs, and pass such other order or orders in the interest of justice.

**Counsel for the Petitioner: SRI P.SRI RAGHU RAM, SENIOR COUNSEL FOR
SRI M.PRATHEEK REDDY**

**Counsel for the Proposed Petitioner in IA.No.2/2023: SRI VASIREDDY
PRABHUNATH**

**Counsel for the Proposed Petitioners in IA.No.1/2024: SRI S.SRI RAM, SENIOR
COUNSEL FOR SRI MACHERLA SANTOSH**

**Counsel for the Proposed Petitioner in IA.No.2/2024: SRI M.MURALI KRISHNA
Counsel for the Proposed Petitioners in IA.No.3/2024: SRI VELAGAPUDI**

SRINIVAS FOR M/s. NIBANUPUDI LAKSHMI AISWARYA

Counsel for the Respondent Nos.1 TO 3: GP FOR REVENUE

Counsel for the Respondent No.4: GP FOR ENDOWMENT

**Counsel for the Respondent No.5: SRI R.N.HEMENDRANATH REDDY, SENIOR
COUNSEL FOR M/s. KEERTHI KIRAN KOTA**

W.P.NO: 22539 OF 2023

Between:

1. M/s Bhagwan Sri Balsaibaba Central Trust, Having its registered office at Srinilayam, Kurnool and Local Office at Gaganmahal, Domalguda, Hyderabad. Represented by its Managing Trustee Sri T. Rama Rao, S/o Sri Suryanarayana, aged 71 years, R/o Hyderabad.
2. Tumepalli Rama Rao, S/o Sri Suryanarayana, aged 71 years, R/o Hyderabad. Managing Trustee of Bhagavan Sri Bala Sai Baba Central Trust, Having its registered office at Sri Nilayam, Kurnool and Local office at Gaganmahal, Domalguda, Hyderabad

AND

...PETITIONERS

1. The State of Telangana, Rep by its Principal Secretary, Revenue Department(ULC) Secretariat, Hyderabad.
2. The State of Telangana, Rep by its Principal Secretary, Endowments Department Secretariat, Hyderabad
3. The District Collector, Rangareddy district, Hyderabad.
4. The Tahasildar, Serilingampally Mandal, Hyderabad, Ranga Reddy district.
5. M/s Bhupathi Associates, Rep. by its Managing Partner, Sri B.V. Siva Rama Raju, H.No.4-5-32/56, Opp. Little Flower School, 1st lane, Vidyanagar, Guntur -522 007.

...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 a writ, direction or order more particularly one in the nature of a Writ of Mandamus, declaring the action of the respondent authorities 1 to 4 whereby and where under mutation effect in Record of Rights in Dharani Portal in respect of the schedule property situated in situated in sy.No.105/2 in an extent of Acres 8.2800, 106/A/2 in an extent of Acres 12.3400 . Sy.No.107/A/2 in an extent of Acres 13.100, 108/A in an extent of Acres 1.2500 and 108/2 in an extent of Acres 5.2600 at Kondapaur village, Serilingampally Mandal, Rangareddy district infavour of the respondent no.5 and to declare the same as being illegal, arbitrary and contrary to the provisions contained in Section 5 of the The Telangana Rights in Land and Pattadar Pass Books Act, 2020 and wither declare the impugned action of mutation as no-vest in the eye of law and contrary to the rights guaranteed under Article 300-A of the Constitution of India and consequently seaside the same.

IA NO: 1 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 not to alienate the schedule property situated in Sy.No.105/2 in an extent of Acres 8.2800, 106/A/2 in an extent of Acres 12.3400 . Sy.No.107/A/2 in an extent of Acres 13.100, 108/A in an extent of Acres 1.2500 and 108/2 in an extent of Acres 5.2600. Kondapaur village, Serilingampally Madal, Rangareddy district, pending disposal of the above writ petition.

**Counsel for the Petitioners: SRI M.PRATHEEK REDDY
Counsel for the Respondent Nos.1,3 & 4: GP FOR REVENUE
Counsel for the Respondent No.2: GP FOR ENDOWMENT
Counsel for the Respondent No.5: SRI ACHYUTH BHARATHWAJ**

The Court made the following: COMMON ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

I.A.Nos.2 of 2023 & 1, 2 and 3 of 2024

IN/AND

WRIT PETITION Nos.13477 and 22539 of 2023

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

In the above two writ petitions, learned counsel for the petitioners filed Memos on behalf of the petitioners on 16.07.2024 *vide* U.S.R.Nos.65698 of 2024 and 65704 of 2024 respectively, seeking permission for withdrawal of the above two writ petitions. Along with the said memos, learned counsel enclosed the copies of the letter dated 12.07.2024 addressed by the Managing Trustee and Trustee of the writ petitioner and sworn affidavit of petitioner No.2 in W.P.No.22539 of 2023.

2. Heard Sri P. Sri Raghuram, learned Senior Counsel representing Sri M. Pratheek Reddy, learned counsel for the petitioners in W.P.Nos.13477 and 22539 of 2023, Sri R.N.Hemendranath Reddy, learned Senior Counsel representing Ms. Keerthi Kiran Kota, learned counsel for respondent No.5 in both the writ petitions, Sri Vasireddy

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Prabhunath, learned counsel for the implead petitioner in I.A.No.2 of 2023 in W.P.No.13477 of 2023, Sri S. Sri Ram, learned Senior Counsel representing Sri Macherla Santosh, learned counsel for the implead petitioners in I.A.No.1 of 2024 in W.P.No.13477 of 2023 through video conferencing, Sri M. Murali Krishna, learned counsel for the implead petitioner in I.A.No.2 of 2024, Sri Velagapudi Srinivas, learned counsel appearing for Ms.Nibanupudi Lakshmi Aiswarya, learned counsel for the implead petitioners in I.A.No.3 of 2024 in W.P.No.13477 of 2023, Sri Vedula Srinivas, learned Senior Counsel for the petitioner in W.P.No.5982 of 2010, Sri J.Prabhakar, learned Senior Counsel representing Smt. Kanumuri Kalyani, learned counsel for the petitioner in W.P. (P.I.L) No.38 of 2024.

3. When these matters are taken up for hearing, learned counsel for the implead petitioners objected for withdrawal of the same. In order to proceed with the above said memos, this Court recorded the facts of the case in the writ petitions.

4. **Brief facts of the case:**

4.1. Facts giving rise to filing of these writ petitions briefly stated are that the land admeasuring Ac.88.39 gts. in

Sy.Nos.104, 105, 106, 107 and 108 of Kondapur Village, Serilingampally Mandal, Ranga Reddy District fell to the share of the legal heirs of late Vege Seetha Ramaiah i.e., Vege Veeraiah, Vege Bhaskar Rao, Vege Nagabushanam, Vege Pothuraju, Vega Balamma, Vege Sitha Ramaiah, Vege Sarojini, Vege Setyanarayana, Vege Ragavaiah Chowdary, Vege Suresh and Thatineni Bhanumathi, through judgment and decree dated 24.12.1969 in O.S.No.62 of 1963 on the file of the Munisiff Magistrate Court, Hyderabad West. Out of the said extent of land, the legal heirs of Vege Seetha Ramaiah have sold an extent of Ac.85.32 gts. in Sy.Nos.104, 105, 106, 107 and 108 for valid consideration in favour of the petitioner Trust i.e. Bhagavan Sri Bala Sai Baba Central Trust through 61 registered sale deeds. After purchase of the above said lands, the petitioner Trust came to know that the said land is hit by the provisions of the Urban Land Ceiling Act, 1976 (hereinafter referred to as 'the Act'). The Trust in dire need of funds, registered Six agreements of sale-cum-General Power of Attorney dated 24.02.2000 to 26.02.2000 in favour of respondent No.5 to an extent of Ac.43.00 gts of land in Sy.Nos.105, 106, 107 and 108. The petitioner Trust and respondent No.5 together entered into an agreement of sale dated

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14.02.2002 with one Mr.M. Prabhakar Rao for land admeasuring Ac.50.00 gts. The same was then enhanced to Ac.70.00 gts. of land in Sy.Nos.104, 105, 106, 107 and 108 through a memorandum of understanding dated 31.08.2005.

4.2. On 16.08.2005, the competent authority under the Act issued proceedings in C.C.No.H2/10699, 10695 to 10697, 10699 and 10700 of 1976, wherein it is stated that the total land held by late Vege Seetha Ramaiah is said to be Ac.85.32 gts., which is equivalent to 347215.44 sq. meters.

4.3. The Government had issued G.O.Ms.No.455 dated 29.07.2002 to regularize and enable allotment of surplus land to the third parties, who are in occupation and possession of the same, through a registered document of purchase. Pursuant to the above said G.O, petitioner Trust filed application for regularization of the land in its own name. Accordingly, respondent No.1 had issued G.O.Ms.No.2065 dated 29.11.2005 regularizing Ac.42.03 gts. of surplus land in favour of the petitioner Trust. Thereafter, respondent No.1 issued Memo No.12629/ULC II3/2008 dated 05.05.2023 and G.O.Ms.No.45 dated 06.05.2023 amending/reviewing G.O.Ms.No.2065 dated

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29.11.2005 substituting the words 'M/s.Bhupathi Associates' in the place of 'Bhagavan Sri Bala Sai Baba Central Trust'. Questioning the above said Memo dated 05.05.2023 and G.O.Ms.No.45 dated 06.05.2003, the petitioner Trust filed W.P.No.13477 of 2023. Thereafter petitioner Trust filed another W.P.No.22539 of 2023 questioning the action of the respondent authorities making revenue entries in favour of respondent No.5.

5. **Submissions of Learned Counsel for the Petitioners :**

5.1 Learned Senior Counsel appearing for the petitioners submitted that on the instructions issued by the writ petitioners, Memo dated 16.07.2024 has been filed seeking permission to withdraw the writ petitions. It is contended that the provisions of Order XXIII Rule 1 of C.P.C are applicable to writ proceeding and the petitioners are entitled to seek withdrawal of the writ petitions.

5.2. In support of his submission, he relied upon the judgments of the Hon'ble Apex Court in **Sarguja Transport Service v. State**

Transport Appellate Tribunal, M.P., Gwalior, and others¹; and Anil Kumar Singh v. Vijay Pal Singh and others².

6. Submissions of learned counsel for respondent No.5:

Learned Senior Counsel for respondent No.5 submitted that he has no objection to withdrawal of the writ petitions. In support of his contention, he relied upon the judgments of the Hon'ble Apex Court in **Shaik Hussain and sons v. M.G.Kannaiah another³.**

7. Submissions of learned counsel for the implead petitioners:

7.1. Sri Vedula Srinivas, learned Senior counsel, pointed out that in respect of the very same subject property, several writ petitions are pending. It is submitted that if the petitioners are permitted to withdraw the writ petitions, the same will affect the rights of the parties in other writ petitions. He further submitted that the petitioners obtained the orders from the State Government by playing fraud. However, he submitted that the impugned Memo No.12629/ULC.II (3)/2008 dated 05.05.2023

¹ (1987) 1 SCC 5

² (2018) 12 SCC 584

³ (1981) 3 SCC 71

and G.O.Ms.No.45 dated 06.05.2023 were challenged by proposed respondents in other writ petitions.

7.2. Sri S. Sri Ram, learned Senior Counsel, contended that petitioner No.1 is a Trust and the rights in respect of subject property in favour of third party have been created during subsistence of order of *status-quo*, with an intention to defeat the rights of the parties in other writ petitions and the same is clear abuse of process of law. It is submitted that in the public law remedy, the petitioners are not entitled to seek withdrawal of the writ petitioners. In support of his contention, he relied upon the judgments of the Hon'ble Apex Court in **Sneh Gupta v. Devi Sarup and others**⁴, and **Dwarka Prasad Agarwal (D)/LRs and another v. B.D. Agarwal and others**⁵.

7.3. Sri J. Prabhakar, learned Senior Counsel, submitted that the petitioner is a registered Trust and the petitioner Trust questioned the impugned G.O.Ms.No.45 dated 06.05.2023 issued in favour of respondent No.5 and the petitioner Trust is not entitled to seek withdrawal of the writ petitions against the interest of the beneficiaries.

⁴ (2009) 6 SCC 194

⁵ (2003) 6 SCC 230

7.4. Sri Vasireddy Prabhunath, learned counsel, submitted that the writ petitions filed by the petitioner Trust are not maintainable under law. He further submitted that without consent of the beneficiaries of the Trust, the petitioner Trust cannot seek withdrawal of the writ petitions. In support of his contention, he relied upon the judgments of the Hon'ble Apex Court in **The Asian Assurance Co. Ltd. v. Madolal Sindhu and others**⁶ and **Registrar, Manonmaniam Sundaranar University v. Suhura Beevi Educational Trust and others**⁷.

7.5. Sri Velagapudi Srinivas, learned Counsel, submitted that the Trust is registered under the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987. The petitioner Trust cannot seek withdrawal of the writ petitions without permission of the members of the Trust. He further submitted that as per the provisions of Section 23(4) of the Urban Land (Ceiling and Regulation) Act, 1976, the Government granted exemption in favour of the petitioner Trust and the same cannot be transferred to any other person. In support of his contention, he relied upon the judgment of the Hon'ble Apex Court in

⁶ AIR 1950 Bombay 378

⁷ AIR 1995 Madras 42

**R.Venugopala Naidu and others v. Venkatarayulu Naidu
Charities and others⁸.**

**8. Reply submissions of learned counsel for the
petitioners:**

Sri P.Sri Raghu Ram, learned Senior Counsel, by way of reply submitted that the petitioners have not taken any benefits subsequent to granting of interim order i.e., *status quo* order dated 28.08.2023 passed by this Court in W.P.No.13477 of 2023 and there are no complaints from the beneficiaries of the Trust.

Analysis:

9. This Court considered the rival submissions made by the respective parties and perused the material available on record. It is an undisputed fact that the petitioner Trust filed W.P.No.13477 of 2023 questioning the Memo No.12629/ULC.II (3)/2008 dated 05.05.2023 and consequential G.O.Ms.No.45 dated 06.05.2023 issued by respondent No.1 amending G.O.Ms.No.2065 dated 29.11.2005 substituting the words 'M/s.Bhupathi Associates' in the place of 'Bhagavan Sri Bala Sai Baba Central Trust' in respect of the land to an extent of

⁸ 1989 Supp (2) SCC 356

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Ac.42.03 gts. in Sy.Nos.105, 106, 107 and 108. The petitioner Trust and the Managing Trustee filed another W.P.No.22538 of 2023 questioning the action of respondent Nos.1 to 4 in mutating the name of respondent No.5 in the Record of Rights in Dharani Portal in respect of the land to an extent of Ac.8.2800 covered by Sy.No.105/2, Ac.12.3400 in Sy.No.106/A/2, Ac.13.100 in Sy.No.107/A/2, Ac.1.2500 in Sy.No.108/A and Ac.5.2600 in Sy.No.108/2 at Kondapur Village, Serilingampally Mandal, Ranga Reddy District.

10. Learned counsel for the petitioners in W.P.No.13477 of 2023 and W.P.No.22539/2023 filed two Memos on 16.07.2024, wherein it is stated that:

“It is submitted that on the instructions of the writ petitioner, the counsel for the Petitioner has earlier filed letters before this Hon'ble Court seeking withdrawal of the writ petitions in W.P. No.13477 of 2023 and W.P. No. 22539 of 2023. Now, as an abundant caution, the affidavits of the trustees of the writ petitioner herein and a letter are filed along with this memo seeking withdrawal of the writ petitions in W.P. No. 13477 of 2023 and W.P. No. 22539 of 2023.”

11. The relevant extract of Order XXIII Rule 1 and 3 of C.P.C., reads as follows:

Rule 1. Withdrawal of suit or abandonment of part of claim. At any time after the institution of a suit, the plaintiff may as against all or any of the defendants abandon his suit or abandon a part of his claim:

Provided that where the plaintiff is a minor or other person to whom the provisions contained in rules 1 to 14 of Order XXXII extend, neither the suit nor any part of the claim shall be abandoned without the leave of the Court.

Rule 3. Where the Court is satisfied,— (a) that a suit must fail by reason of some formal defect, or (b) that there are sufficient grounds for allowing the plaintiff to institute a fresh suit for the subject matter of suit or part of a claim, It may, on such terms as it thinks fit grant the plaintiff permission to withdraw from such suit or such part of the claim with liberty to institute a fresh suit in respect of the subject-matter of such suit or such part of the claim.

12. Thus, the above said provision clearly reveals that the plaintiff at any point of time after institution of the suit is entitled to seek withdrawal of the suit or abandonment of part of claim against all the defendants or any of the defendants. In **Sarguja Transport Service** (supra), the Hon'ble Apex Court specifically held that the provision of

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Order XXIII Rule 1 of the C.P.C. is applicable to the proceedings under Articles 226 and 227 of the Constitution of India. Similar view has been taken in **R.Rathinavel Chettiar v. V.Sivaraman**⁹ and **K.S.Bhoopathy v. Kokila**¹⁰.

13. Admittedly, the petitioners have filed memos dated 16.07.2024 for seeking withdrawal of the writ petitions unconditionally and respondent No.5, who is the contesting party, submitted that it has no objection for withdrawal of the writ petitions. The petitioners in I.A.No.2/2023, I.A.No.1/2024, I.A.No.2/2024, and I.A.No.4/2024 and counsel for the petitioners in W.P.No5982 of 2010 and W.P (P.I.L.) No.38 of 2024, who have objected to withdrawal of the writ petitions, admittedly, are not parties in the two writ petitions i.e. WP.No.13477/2023 and W.P.No.22539/2023.

14. As per the provisions of Order XXIII of C.P.C., the respondents/defendants are entitled to oppose such withdrawal. Admittedly, respondent No.5 is not having

⁹ (1999) 4 SCC 89

¹⁰ (2000) 5 SCC 458

objection for withdrawal of the writ petition. The persons, who are not parties in these writ petitions, have made an objection for withdrawal of the writ petitions on the ground that if the writ petitions are withdrawn, the same will affect the adjudication of other writ petitions, is not tenable under law, on the ground that questioning the very same impugned Memo dated 05.05.2023 and G.O.Ms.No.45 dated 06.05.2023 issued by respondent No.1, the petitioners in I.A.Nos.2 of 2023, 1 of 2024, 2 of 2024 and 3 of 2024 have already filed independent writ petitions, wherein the petitioner Trust as well as respondent No.5 are party respondents and the said writ petitions are pending. By virtue of withdrawal of the subject writ petitions, no prejudice would be caused to the parties in other writ petitions on the ground that they have already questioned the very same impugned proceedings and the same would have to be adjudicated on merits.

15. It is also pertinent to mention that this Court is not adjudicating the rights over the subject property and validity

of the impugned Memo dated 05.05.2023 and G.O.Ms.No.45 dated 06.05.2023 issued by respondent No.1. No beneficiary of the trust or the trustees has come forward to oppose withdrawal of the writ petitions.

16. It is pertinent to mention that the persons, who are not parties to the writ petitions are not entitled to object for withdrawal of the writ petitions nor this Court can direct the petitioners to proceed with the matter on merits when they want to withdraw the writ petitions unconditionally. Though learned counsel for the implead petitioners raised several contentions by entering into merits of the case, this Court is not inclined to go into the said aspects on the sole ground that the petitioners are seeking permission for withdrawal of the writ petitions unconditionally. Hence, this Court is of the considered view that the petitioners are entitled to seek withdrawal of the writ petitions.

17. Accordingly, both the writ petitions are dismissed as withdrawn. It is needless to observe that this order of

withdrawal will not prejudice to the rights of any of the parties in any other pending proceedings in respect of the subject property and the said cases will be decided on merits.

18. By virtue of dismissal of writ petitions, I.A.Nos.2 of 2023, 1 of 2024, 2 of 2024 and 3 of 2024 are dismissed. However, the petitioners in the above said interlocutory applications are granted liberty to raise all grounds which are available under law in the pending writ petitions.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- T.TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

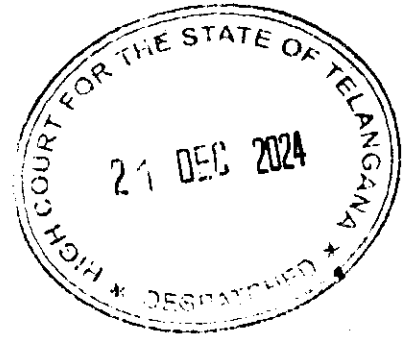
To

1. One CC to SRI M.PRATHEEK REDDY, Advocate [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
3. Two CCs to GP FOR ENDOWMENT, High Court for the State of Telangana, at Hyderabad. [OUT]
4. One CC to M/s. KEERTHI KIRAN KOTA, Advocate [OPUC]
5. One CC to SRI VASIREDDY PRABHUNATH, Advocate [OPUC]
6. One CC to SRI MACHERLA SANTOSH, Advocate [OPUC]
7. One CC to SRI M.MURALI KRISHNA, Advocate [OPUC]
8. One CC to M/s. NIBANUPUDI LAKSHMI AISWARYA, Advocate [OPUC]
9. One CC to M/s. KEERTHI KIRAN KOTA, Advocate [OPUC]
10. One CC to SRI ACHYUTH BHARATHWAJ, Advocate [OPUC]
11. One CC to SRI VEDULA SRINIVAS, SENIOR COUNSEL [OPUC]
12. One CC to SMT. KANUMURI KALYANI, Advocate [OPUC]
13. Two CD Copies

PSK. *KP*

HIGH COURT

DATED:06/12/2024



COMMON ORDER

IA.Nos.2 OF 2023 & 1,2 AND 3 OF 2024

IN/AND

WP.Nos.13477 AND 22539 of 2023

**DISMISSING THE IA'S & WRIT PETITIONS
WITHOUT COSTS.**

*17 Copies
dl
17/12/24.*