

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

THURSDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NO: 64 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated, 07/01/2025, in W.P.No. 32087 of 2024 and pass on the file of the High Court.

Between:

Aedla Sudhaker Reddy, S/o. Late Narayana Reddy, Aged about 53 years, Occ. Business, R/o. 2-2-1075/A/3, Bagh Amberpet, Hyderabad Telangana - 500013.

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Saifabad, Hyderabad.
2. The State of Telangana, Rep. by its Principal Secretary, Irrigation and CAD Department, Secretariat Buildings, Saifabad, Hyderabad.
3. The District Collector, Hyderabad District.
4. The Tahsildar, Amberpet Mandal, Hyderabad District.
5. Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Hyderabad.
6. Hyderabad Disaster Management and Asset Protection Agency, Rep. by its Commissioner, Hyderabad.
7. Hyderabad Metropolitan Development Authority, Rep by its Commissioner. Hyderabad.

...RESPONDENTS

IA NO: 1 OF 2025

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 Respondents more particularly Respondent Nos.4 to 6 not to dispossess the Appellant/Petitioner without due process of law.

**Counsel for the Appellant: SRI D.V. SITHARAM MURTHY, SR. COUNSEL REP.
FOR SRI KONDAPARTHY KIRAN KUMAR**

**Counsel for the Respondent No.1 to 5: SRI S. RAHUL REDDY, SPL GP /
GP FOR REVENUE /
ADDL. ADVOCATE GENERAL**

Counsel for the Respondent No.6: SRI K. RAVINDER REDDY, SC FOR HYDRA

Counsel for the Respondent No.7: SRI V. NARASIMHA GOUD, SC FOR HMDA

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. 64 OF 2025

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

Mr. D.V. Sitharam Murthy, learned Senior Counsel representing Mr. Kondaparthi Kiran Kumar, learned counsel for the appellant.

Mr. S. Rahul Reddy, learned Special Government Pleader attached to the office of the learned Additional Advocate General for the respondents No.1 to 5.

Mr. K. Ravinder Reddy, learned Standing Counsel for Hyderabad Disaster Response and Asset Monitoring and Protection Agency (HYDRA) for the respondent No.6.

Mr. V. Narasimha Goud, learned Standing Counsel for the Hyderabad Metropolitan Development Authority (HMDA) for the respondent No.7.

2. This intra court appeal is filed against the order dated 07.01.2025 passed by the learned Single Judge by

which the writ petition preferred by the appellant, namely W.P.No.32087 of 2024, has been dismissed.

3. Facts giving rise to filing of this appeal briefly stated are that the appellant claims title on the strength of an unregistered agreement of sale dated 16.01.1986 executed by one Late Syed Azam, S/o. Late Sri Syed Aziz, in favour of the appellant in respect of the land measuring Acs.7.00 in Survey No.563/1 situated at Bagh Amberpet Village, Amberpet Mandal, Hyderabad (hereinafter referred to as, "the subject land"). It was averred in the writ petition that late Syed Aziz purchased vast land under a sale deed from Pingali Venkatram Reddy. According to the appellant, the subject land is a dry land and is meant for construction of residential houses and the same was never classified as a water body. However, the respondents No.4 to 6 are interfering with the possession of the appellant in respect of the subject land. The appellant, therefore, filed the writ petition seeking a direction to the respondents not to interfere with his possession in respect of the subject land.

4. A counter affidavit was filed on behalf of the respondents in which averments made in the writ petition were denied and the title of the appellant was also disputed. It was averred in the counter that the appellant has not produced any document of title.

5. The learned Single Judge, by an order dated 07.01.2025, held that neither any scrap of paper nor any stray entry in the revenue record has been filed on behalf of the appellant in support of his claim that he is in possession of the subject land. It was further held that whether the subject land is a notified tank or not and whether the tank is in existence and the land bearing Survey No.563/1 relates Town Survey Nos.71/1 and 70/2 are the issues which are required to be dealt with by the competent civil Court. It was also noted that the writ petition was filed on the basis of an agreement and the contentions in respect of Survey No.563/1 were dealt with by an order dated 07.07.2023 passed by Division Bench of this Court in W.A.No.484 of 2017 in **District Collector,**

Hyderabad v. Syed Jahangir. Accordingly, the writ petition was dismissed. Hence, this appeal.

6. Learned Senior Counsel for the appellant submitted that the learned Single Judge ought to have appreciated that the appellant has title in respect of the land in question and he is in possession of the same. It is contended that the appellant cannot be dispossessed from the subject land except in accordance with law.
7. On the other hand, learned counsel for the respondents who have appeared on an advance notice have supported the order passed by the learned Single Judge.
8. We have considered the rival submissions made on both sides and have perused the record.
9. It is trite law that this Court, in exercise of powers under Article 226 of the Constitution of India, cannot determine the disputed questions of fact. From the averments made in the writ petition as well as in the counter filed on behalf of the respondents, it is evident that there is a dispute with regard to the nature of land as well

as title of the appellant which is claimed on the basis of an agreement. It is also not in dispute that a suit seeking the relief of specific performance of contract on the basis of the aforesaid agreement has been filed by the appellant, which is pending. The learned Single Judge, therefore, has rightly declined to entertain the writ petition.

10. Needless to state that the appellant shall be at liberty to institute a suit, if so advised, with regard to his grievance. In case such a suit along with an application for temporary injunction is filed, the trial Court shall decide the same without being influenced by any of the observations contained in the order dated 07.01.2025 passed by the learned Single Judge. It is clarified that this Court has not expressed any opinion on the merits of the case.

11. Accordingly, the writ appeal is disposed of. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

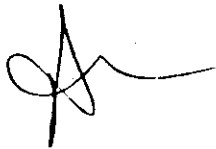
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SD/- T. SRINIVAS
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, The State of Telangana, Secretariat Buildings, Saifabad, Hyderabad.
2. The Principal Secretary, Irrigation and CAD Department, The State of Telangana, Secretariat Buildings, Saifabad, Hyderabad.
3. The District Collector, Hyderabad District.
4. The Tahsildar, Amberpet Mandal, Hyderabad District.
5. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.
6. The Commissioner, Hyderabad Disaster Management and Asset Protection Agency, Hyderabad.
7. The Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.
8. One CC to SRI KONDAPARTHY KIRAN KUMAR, Advocate [OPUC]
9. One CC to SRI K. RAVINDER REDDY, SC FOR HYDRA [OPUC]
10. One CC to SRI V. NARASIMHA GOUD, SC FOR HMDA [OPUC]
11. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
12. Two CCs to SRI S. RAHUL REDDY, SPL GOVT. PLEADER, High Court for the State of Telangana. [OUT]
13. Two CCs to ADVOCATE GENERAL, High Court for the State of Telangana. [OUT]
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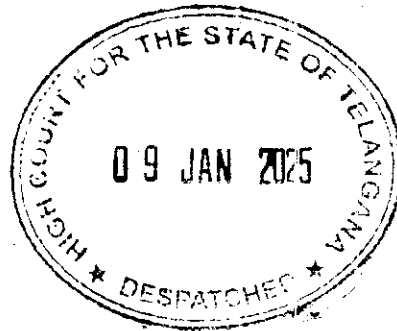


HIGH COURT

DATED:09/01/2025

JUDGMENT

WA.No.64 of 2025



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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~~_____~~
09/1/2025