



High Court for the State of Telangana

e-Newsletter

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(April 2024 to June 2024)



HON'BLE THE CHIEF JUSTICE
Hon'ble Sri Justice Alok Aradhe

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Foreword

The Judiciary while highlighting its commitment to uphold Justice while striking balance between Law & Society requirements. This Quarter the Judiciary's proactive stance on saving water bodies has rekindled hope for the States' water future. The Hon'ble the Chief Justice has directed the State government to build upon the momentum ensuring that the Court orders are implemented and water conservation becomes a collective priority while, dealing with a Public Interest Litigation.

Further, this quarter also witnessed the 10th State Formation Day celebration by unfurling the National Flag by the Hon'ble the Chief Justice in the High Court premises.

The International Yoga day was conducted across the state Judiciary with much enthusiasm on 21-06-2024, while giving emphasis on the mental and physical well-being of all.

Honourable Smt. Justice Maturi Girija Priyadarsini



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HON'BLE JUDGES OF THE HIGH COURT

**HON'BLE THE CHIEF
JUSTICE**



Sri Justice Alok Aradhe



**Hon'ble Sri Justice
Sujoy Paul**



**Hon'ble Sri Justice
P. Sam koshy**



**Hon'ble Sri Justice
Abhinand Kumar Shavili**



**Hon'ble Justice
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T. Vinod Kumar**



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**Hon'ble Smt. Justice
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**Hon'ble Sri Justice
J Sreenivas Rao**



**Hon'ble Sri Justice
Namavarapu Rajeshwar
Rao**



**Hon'ble Sri Justice
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**Hon'ble Sri Justice
Anil Kumar Jukanti**



**Hon'ble Smt Justice
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EVENTS OF THE HIGH COURT

Celebration of Telangana State formation day by the High Court for the State of Telangana on 02-06-2024



On 02-06-2024 on the eve of the Telangana State formation day, the Hon'ble Sri Justice Alok Aradhe, the Chief Justice, High Court for the State of Telangana, hoisted the National flag in the premises of the High Court for the State of Telangana, in the august presence of all the Hon'ble Judges of High Court for the State of Telangana, Bar members, Registry and Staff members.



**Adoption of the International Day of Yoga day
by the High Court for the State of Telangana on 21-06-2024**



The International Day of Yoga is a day in recognition of Yoga, that is celebrated around the world annually on 21st June every year. By following its adoption, the Hon'ble Sri Justice Alok Aradhe, the Chief Justice, High Court for the State of Telangana, along with all the Hon'ble Judges of the High Court for the State of Telangana, the Registrars, Advocates and Staff members of the High court for the State of Telangana dedicated an hour in the early morning on 21-06-2024, to perform Yoga in the premises of the High Court for the State of Telangana for improvising the overall mental and physical well-being, managing the daily stress in work life and to improve the productivity in the work, which will eventually make positive effect on the overall justice delivery system.



Swearing of Hon'ble Judges of High Court for the State of Telangana



Hon'ble Sri Justice Jaggannagari Sreenivas Rao sworn in as permanent Judge of the High Court for the State of Telangana on 30-04-2024, as the oath was administered by the Hon'ble Sri Justice Alok Aradhe, the Chief Justice, High Court for the State of Telangana.



Hon'ble Sri Justice Namavarapu Rajeshwar Rao sworn in as permanent Judge of the High Court for the State of Telangana on 30-04-2024, as the oath was administered by the Hon'ble Sri Justice Alok Aradhe, the Chief Justice, High Court for the State of Telangana.





Some important Judgments delivered by the Hon'ble Judges of this High Court



HON'BLE THE CHIEF JUSTICE

Acts/Rules: Wakf Act, 1995, etc.

Case Details: Viceroy Hotels Limited and others Vs Telangana State Wakf Board, Hyderabad and others in WRIT PETITION Nos. 8431 and 11730 of 2014. ([Click here for full Judgment](#))

Date of Judgment: 25-04-24

Facts: Facts giving rise to filing of the writ petition in nutshell are that a patta was granted by the Board of Revenue on 07.02.1958 in accordance with the then extant laws in respect of land measuring Ac.4.04 guntas in Sy.Nos.181 and 182 at Kavadiguda Village, Hyderabad to one Mohammed Gulam Dastagir. The subject matter of W.P.No.8431 of 2014 is the land measuring 14,400 square yards i.e., Acs.2.97 guntas in Sy.Nos.181 and 182/1, situated at Kavadiguda Village, Hyderabad, whereas the subject matter of W.P.No.11730 of 2014 is land measuring 1500 square yards in Sy.Nos.181 and 182/1 situated at Kavadiguda Village, Hyderabad.

Held: At this stage, we may advert to the issue of validity of the action of the Wakf Board in issuing the errata notification after a period of twenty four years. The scope and meaning of the expression “errata”/“corrigendum” was considered by the Supreme Court in State of Andhra Pradesh (now the State of Telangana) vs. A.P.State Wakf Board (2022 SCC Online SC 159) and in paragraphs 150 and 151, it was held as under:

“150. We would need to examine as to what is scope and meaning of the word “errata”. “Errata” is a term of French origin which means a thing that should be corrected. It means a mistake in printing or writing. Reference may be made to a judgment reported as Parvati Devi v. State of U.P ((2007) 6 All LJ 50). It was held as under:—

“20. The word “Erratum (French) means a mistake in printing or writing; a note drawing attention to such a mistake. A list of mistakes added at the end of a book.

21. The word “Errata” is a word of French origin and means ‘a thing that should be corrected.’ After a book has been printed, it often happens that certain mistakes are found to have been overlooked. In later editions, it is usual to insert, a list of such mistakes and to point out the necessary corrections. These are called ‘corrigenda’.

23. In Judicial Dictionary by Justice L.P. Singh and Majumdar, 2nd Edition, page 552, while quoting the following passage in Assam Rajyik Udyog Karmi Sangha v. State of



Assam, 1996 Gau LR 236, (at page 241), the word “corrigendum” has been defined as follows:—

“The dictionary meaning of the word “corrigendum” means things to be correct. It means there must be an error and there is a necessity to amend and rectify it. In the garb of corrigendum, a rule cannot be altered and or changed, but that is what appears to have been done in the instant case. In order to alter or modify a rule the same procedure adopted in making of the rule have to be gone through.”

24. The meaning and application of the word “corrigendum” has been considered by the Courts time and again. In Commissioner of Sales Tax, U.P. v. Dunlop India Ltd., (1994) 92 STC 571, this Court held that corrigendum is issued to correct a mistake in the notification, therefore, would relate back to the date of issuance of the original notification.

25. In Piara Singh v. State of Punjab, (2000) 5 SCC 765 : AIR 2000 SC 2352, the Hon'ble Supreme Court held that there is no bar on issuing the corrigendum or ‘more corrigenda’ for correcting the arithmetical error.

27. In view of the above, the legal position can be summarised that a corrigendum can be issued only to correct a typographical error or omission therein. However, it is meant only to correct typographical/arithmetical mistake. It cannot have the effect of law nor it can take away the vested right of a person nor it can have the effect of nullifying the rights of persons conferred by the law”.

151. We find that in the facts of the present case, the Errata notification is nothing but a fresh notification altogether. Errata is a correction of a mistake. Hence, only arithmetical and clerical mistakes could be corrected and the scope of the notification could not be enlarged by virtue of an errata notification. As against 5506 sq. yards of land notified as wakf property in the year 1989, large area of 1654 acres and 32 guntas of land could not be included under the guise of an errata notification as it is not a case of clerical or arithmetical mistake but inclusion of large area which could not be done without conducting a proper Inquiry either under Section 32(2)(n) read with Section 40 or on the basis of survey report which was called by the State Government by appointing a Survey Commissioner.”

It is well settled in law that when a statute does not provide for time limit for doing an act, such an act has to be done within a reasonable time and what would be the reasonable time has to be decided in the facts and circumstances of the act (see *Meher Rusi Dalal vs. Union of India* [(2004) 7 SCC 362]; *P.K.Sreekantan vs. P.Sreekumaran Nair* [(2006) 13 SCC 574] and *K.B.Nagur vs. Union of India* [(2012) 4 SCC 483]). The Supreme Court in *State of Andhra Pradesh vs. A.P.State Wakf Board* (2022 SCC Online SC 159)



also disapproved the action of the Wakf Board in issuing the errata after seventeen years.

In the instant case, the gazette notification under the provisions of the 1995 Act was issued on 12.07.1984, wherein the description of the property reads as under:

“Mosque Sultan with Graveyard and Land in Survey No.182/2”

Thereafter, an addendum to the gazette notification dated 12.07.1984 was issued on 23.08.2007 i.e., after a period of 24 years, by which notification dated 12.07.1984 was amended to read as follows:

“Masjid Bagh Kawadiguda, Hyderabad, Old Correspondent No.140-New Sy.No.181, with extent Acs.1.24 guntas, and Sy.No.182 with extent Ac.2.20 guntas, total acres 4.04 guntas”.

Thus, on conjoint reading of the notification dated 12.07.1984 and addendum dated 23.08.2007, it is evident that it is not in the nature of clarification of the previous notification but rather a substitution of the original notification which is not permissible in law after a long lapse of 24 years.

So far as submissions on behalf of the respondents are concerned, suffice it to say that the petitioners cannot be allowed to suffer legal injury merely because they have a statutory remedy available under the 1995 Act, especially in a case where the initiation of proceeding itself is vitiated in law. For the reasons assigned supra, we have already held that the requirement of issue of prohibition in obtaining factual matrix is fulfilled. Therefore, the decision of the Supreme Court in *Thirumala Tirupati Devasthanams v. Thallapaka Ananthacharyulu* (2003) 8 SCC 134: AIR 2003 SC 3290) is of no assistance to the respondents.

In view of the preceding analysis, addendum notification dated 23.08.2007 published by the Wakf Board in relation to the property of the petitioners is hereby quashed and a writ of prohibition is issued directing the respondents not to proceed further in O.S.No.13 of 2014 on the file of the Wakf Tribunal and a proceeding under Section 54 of the 1995 Act.

In the result, the writ petitions are accordingly allowed.



HON'BLE SRI JUSTICE SUJOY PAUL

Acts/Rules: Telangana State Judicial Service Rules, 2023; etc.

Case Details: Bodapati Vamsi Krishna Vs The State of Telangana in WRIT PETITION Nos.12527, 12176, 12765, 12289, 11838 AND 11820 OF 2024 ([Click here for full Judgment](#))

Date of Judgment: 02-05-2024.

Facts: In these batch of Writ Petitions filed under Article 226 of the Constitution, the petitioners have challenged the constitutionality of Rule 2(k) and Rule (5.2)(A) of the Telangana State Judicial Service Rules, 2023 (hereinafter called 'Rules of 2023') which prescribes minimum and maximum age limit because of which few petitioners became ineligible for submission of their candidature for the post of Civil Judge (Junior Division). In addition, the petitioners have also called in question the provisions of the Rule which permits only Advocates practising in Telangana to participate in the selection process. The requirement of obtaining certificate of practice from the concerned Bar Association is another reason of grievance of the petitioners.

Held: In Hirantra Kumar vs. High Court of Allahabad ((2020) 17 SCC 401), while dealing with the aspect of prescription of age for Judicial Officer, the Apex Court clearly held that:

"21. The legal principles which govern the determination of a cut-off date are well settled. The power to fix a cut-off date or age-limit is incidental to the regulatory control which an authority exercises over the selection process. A certain degree of arbitrariness may appear on the face of any cut-off or age limit which is prescribed, since a candidate on the wrong side of the line may stand excluded as a consequence. That, however, is no reason to hold that the cut-off which is prescribed, is arbitrary. In order to declare that a cut-off is arbitrary and ultra vires, it must be of such a nature as to lend to the conclusion that it has been fixed without any rational basis whatsoever or is manifestly unreasonable so as to lead to a conclusion of a violation of Article 14 of the Constitution.

27. These judgments provide a clear answer to the challenge. The petitioners and the appellant desire that this Court should rollback the date with reference to which attainment of the upper age-limit of 48 years should be considered. Such an exercise is impermissible. In order to indicate the fallacy in the submission, it is significant to note that Rule 12 prescribes a minimum age of 35 years and an upper age-limit of 45 years (48 years for reserved candidates belonging to the Schedule Castes and Tribes). Under the Rule, the age limit is prescribed with reference to the first day of January of the year following the year in which the notice inviting applications is published. If the relevant date were to be rolled back, as desired by the petitioners, to an anterior point in time,



it is true that some candidates who have crossed the upper age-limit under Rule 12 may become eligible. But, interestingly, that would affect candidates who on the anterior date may not have attained the minimum age of 35 years but would attain that age under the present Rule. We are adverting to this aspect only to emphasise that the validity of the Rule cannot be made to depend on cases of individual hardship which inevitably arise in applying a principle of general application. Essentially the determination of cut-off dates lies in the realm of policy. A Court in the exercise of the power of judicial review does not take over that function for itself. Plainly, it is for the rulemaking authority to discharge that function while framing the Rules.”

The principle laid down in *Hirandra Kumar v. High Court of Allahabad*, ((2020) 17 SCC 401) was followed with profit in *High Court of Delhi vs. Devina Sharma* (2022 (4) SCC 643) and it was held as under:

“24. The recommendations of the Shetty Commission were initially followed by an order of a three-Judge Bench of this Court in All India Judges Assn. v. Union of India [All India Judges Assn. v. Union of India, (2002) 4 SCC 274] . By the order of this Court, the States and the Union Territories to whom a copy of the report had been submitted were directed to submit their responses to the Union of India expeditiously. Eventually, the Report of the Shetty Commission resulted in the judgment of a three-Judge Bench of this Court in All India Judges Assn. (3) v. Union of India [All India Judges Assn. (3) v. Union of India, (2002) 4 SCC 247 : 2002 SCC (L&S) 508] . The rules of several High Courts provide that for recruitment to the Higher Judicial Service, the candidate should be of a minimum age of 35, with a maximum age limit of 45 years. For instance, the rules pertaining to the U.P. Higher Judicial Service were noticed in a decision of a two-Judge Bench of this Court in Hirandra Kumar v. High Court of Allahabad [Hirandra Kumar v. High Court of Allahabad, (2020) 17 SCC 401 : (2021) 2 SCC (L&S) 801] (“Hirandra Kumar”). The prescription of a rule providing for a minimum age requirement or maximum age for entry into service is essentially a matter of policy. After noticing the earlier precedents on the subject, this Court in Hirandra Kumar [Hirandra Kumar v. High Court of Allahabad, (2020) 17 SCC 401: (2021) 2 SCC (L&S) 801] observed that the determination of cut-offs lies in the realm of policy.”

The similar view was taken by Orissa High Court in *Jnyananda Panda vs. State of Orissa* (2009 SCC Online Ori 110) and Himachal Pradesh High Court in *Satish Kumar and Others vs. State and others* (2005 SCC Online HP 161).

In view of the ratio decidendi of these judgments, no fault can be found in the impugned Rules in prescribing different age limits for different category of candidates.

Resultantly, we are unable to hold that there was no intelligible differentia and objects sought to be achieved while prescribing the different age for different set of



candidates. In other words, it cannot be held that the said classification in respect of age is an unreasonable classification.

Furthermore, it was argued that when a law graduate can be enrolled as an Advocate as per Advocates Act, at the age of 21 years, it is irrational to deprive him to submit his candidature under the impugned rules till he attains the age of 23 years. At the cost of repetition, in our view, it is the prerogative of the employer. The employer is best suited to decide when a category of candidate can be treated to be matured enough to enter Judicial Service. If such a decision is taken by employer by prescribing an age, it cannot be interfered with unless proved to be palpably arbitrary and irrational. Merely because a law graduate can become an Advocate at the age of 21 years, it does not give him any enforceable right to participate at the same age for Judicial Service. This argument must also fail.

In view of foregoing analysis, we do not find any unconstitutionality in the relevant rules of Telangana State Judicial Service Rules, 2023 and consequently, notification dated 10.04.2024 issued by respondent No.3 is not bad in law. Therefore, admission of these Writ Petitions is declined and the Writ Petitions are dismissed.



HON'BLE SRI JUSTICE P SAM KOSHY

Acts/Rules: Habeas Corpus – Constitution of India & Hindu Minority and Guardianship Act / the Guardians and Wards Act.

Case Details: Maria Sultana, W/o. Mohammed Abdul Muqthadeer Khan **Vs** The State of Telanagana, rep by its Principal Secretary, Home Department, Secretariat Buildings, Hyderabad, Telangana State and others **in** WRIT PETITION No. 12622 of 2024. ([Click here for full Judgment](#))

Date of Judgment: 02.05.2024.

Facts: The instant is a writ petition which has been filed seeking for issuance of writ in the nature of Habeas Corpus directing the respondent/police authorities ensuring the production of the minor daughter of the petitioner viz., Musfira Amal, aged around 3 years and 10 months before this Court and thereafter restore the custody of the said minor child to the petitioner who is the natural guardian/biological mother of the minor child.



Held: The decision of the Supreme Court in the Case of Tejaswini Gaud V. Shkhar Jagdish Prasad Tewari ((2019) 7 Supreme Court Cases 42), in paragraph No.14 dealing with the maintainability of the petition under Habeas Corpus has held as under:

Writ of habeas corpus is a prerogative process for securing the liberty of the subject by affording an effective means of immediate release from an illegal or improper detention. The writ also extends its influence to restore the custody of a minor to his guardian when wrongfully deprived of it. The detention of a minor by a person who is not entitled to his legal custody is treated as equivalent to illegal detention for the purpose of granting writ, directing custody of the minor child. For restoration of the custody of a minor from a person who according to the personalis not his legal or natural guardian, in appropriate cases, the writ court has jurisdiction.

Likewise in paragraph Nos. 19 and 20 the Hon'ble Supreme Court has held as under:

19. Habeas corpus proceedings is not to justify or examine the legality of the custody. Habeas corpus proceedings is a medium through which the custody of the child is addressed to the discretion of the court. Habeas corpus is a prerogative writ which is an extraordinary remedy and the writ is issued where in the circumstances of the particular case, ordinary remedy provided by the law is either not available or is ineffective; otherwise a writ will not be issued. In child custody matters, the power of the High Court in granting the writ is qualified only in cases where the detention of a minor by a person who is not entitled to his legal custody. In view of the pronouncement on the issue in question by the Supreme Court and the High Courts, in our view, in child custody matters, the writ of habeas corpus is maintainable where it is proved that the detention of a minor child by a parent or others was illegal and without any authority of law.

20. In child custody matters, the ordinary remedy lies only under the Hindu Minority and Guardianship Act or the Guardians and Wards Act as the case may be. In cases arising out of the proceedings under the Guardians and Wards Act, the jurisdiction of the court is determined by whether the minor ordinarily resides within the area on which the court exercises such jurisdiction. There are significant differences between the enquiry under the Guardians and Wards Act and the exercise of powers by a writ court which is of summary in nature. What is important is the welfare of the child. In the writ court, rights are determined only on the basis of affidavits. Where the court is of the view that a detailed enquiry is required, the court may decline to exercise the extraordinary jurisdiction and direct the parties to approach the civil court. It is only in exceptional cases, the rights of the parties to the custody of the minor will be determined in exercise of extraordinary jurisdiction on a petition for habeas corpus.

The fact which further needs appreciation at this juncture is that the aforesaid judgment in the case of Tejaswini Gaud ((2019) 7 Supreme Court Cases 42), the



dispute was not between the two natural guardians of the minor child it was between the father the natural guardian and the siblings of the mother of the child. On the other side, the dispute arose after the natural guardian the mother had expired on account of the some illness, therefore the decision rendered in the said judgment has to be appreciated in the given factual backdrop which has been narrated in the preceding paragraphs and also considering the fact that the dispute was not between the natural guardians.

In the light of the observations made by the Hon'ble Supreme Court in the paragraph which have been quoted earlier in this judgment, we are also of the considered opinion that under the factual backdrop narrated and which are undisputed which stands reflected in the preceding paragraphs, we do not find it to be a case where the extraordinary writ remedy in the nature of Habeas Corpus has to be issued. We are more not inclined to entertain the writ petition for yet another reason that the admitted factual matrix from the petition itself where the petitioner admits that the private respondents had illegally taken the custody of the child on 16.06.2023, whereas the instant petition seeking for the custody of the child by invoking the remedy of Habeas Corpus has been filed after a about more than 11 months i.e., on 01.05.2024. Except for the oral submissions and the filing of the case under the Domestic Violence Act, which again is only in October 2023, where the custody of the child has been sought for as one of the relieves against the series of relieves that has been sought for. There does not seem to be any other legal remedies resorted to by the petitioner and no plausible explanation has been provided as to why the petitioner did not think of of filing the petition for Habeas Corpus, immediately upon losing the custody of the child about 11 months back. Moreover we are also of the considered opinion that now that the husband himself has moved a petition seeking for the relief of retention of the custody of the child and for declaring him as the natural guardian and where the court has already seized the matter and have issued notices to the petitioner. The petitioner have all the right to enter appearance and move an appropriate application and seek for interim custody of the child also. Particularly taking note of the fact that the child today is not with either of the natural guardian, but is in the custody of the private respondent Nos.8 to 11, who are close relatives of the father of the minor child i.e., 7th respondent.

Since the petitioner has all these legal remedies available, we are not inclined to entertain the instant writ petition at this juncture.

Accordingly, the instant writ petition stands rejected reserving the right of the petitioner to avail such other legal remedies available to her under law.



HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

Acts/Rules: Hindu Marriage Act; Dowry Prohibition Act, 1961, etc.

Case Details: D. Narsimha @ Narsimlu, S/o Sayanna, Vs Smt D Anita @ Vaishnavi, W/o D Narsimha, in CIVIL MISCELLANEOUS APPEAL No. 68 of 2022. ([Click here for full Judgment](#))

Date of Judgment: 21.06.2024

Facts: The appellant and the respondent were married on 01.12.2010 as per Hindu Rites and Customs at Chinna Gollapally Village, Shamshabad Mandal, Ranga Reddy District. The appellant and the respondent experienced difficulties in their marriage from 04.12.2010. The respondent left the appellant for her parents' house on 01.11.2011. The appellant and the respondent had a child on 13.09.2011. The appellant and the respondent continued to have differences and the respondent filed a complaint to the Station House Officer, Shamshabad, on 11.07.2012. The appellant and his family members obtained anticipatory bail from the Court of the Metropolitan Sessions Judge at Cyberabad on 25.08.2012. The appellant filed a case for divorce vide O.P.No.1353 of 2012 in the Family Court at Ranga Reddy District but did not pursue the case.

The respondent filed a total of 5 criminal cases against the appellant being Crime Nos.219 of 2012, 918 of 2013, 164 of 2013, 290 of 2015 and 156 of 2021 and D.V.c.No.11 of 2016 and D.V.C. Appeal No.862 of 2019. The appellant suffered imprisonment in C.C.No. 14 of 2024 and C.C.No.517 of 2014 which were registered under Section 498-A of The Indian Penal Code, 1860 on the basis of the complaint lodged by the respondent. The respondent came to live with the appellant for a few days in May, 2015 but left the appellant's home soon thereafter and filed more criminal cases against the appellant. The Principal Junior Civil Judge – cum – XIV Additional Chief Metropolitan Magistrate at Cyberabad vide order dated 16.11.2021 dismissed C.C.No.227 of 2016 filed by the respondent against the appellant.

Held: Marriage is much more than an exchange of vows or a single ceremony. It requires building of a shared home brick-by brick cemented by a continuing wish to live a life together. Every marriage has a core and a foundation holding the union of two persons together. The bedrock of the union disintegrates when the married persons intend to break away from the union. It would be unnatural to reject a petition for divorce where the evidence led by both the parties show that the core of the marriage has crumbled beyond restoration. What is evident from the decisions cited is that cruelty is just one of the splinters of a collapsing structure where the substratum of the marriage has broken down in a way in which the structure cannot be preserved or re-built. Cruelty, desertion, insanity are but a few of the grounds which may form the reason for a step in that direction. The Courts should put a quietus to such matters.



In the present case, it is undisputed that the respondent has initiated 7 proceedings against the appellant including 5 criminal cases under Section 498-A of the I.P.C. and The Dowry Prohibition Act, 1961. It is also undisputed that S.T.C.No.5 of 2014 filed by the respondent against the appellant and his family members was dismissed on 16.07.2014 and C.C.No.14 of 2014 filed under Section 498-A of the I.P.C. was also dismissed on 25.08.2015. Further, the Family Court at Mahabubnagar dismissed the complaint filed by the petitioner arising from F.I.R. No.136 of 2021 on 16.03.2021. Finally, C.C.No.227 of 2016 was also dismissed by the Principal Junior Civil Judge-cum-XIV Additional Metropolitan Magistrate, Cyberabad at Rajendranagar on 16.11.2021.

The Metropolitan Magistrate Court at Cyberabad, Rajendra Nagar, specifically found that there was no evidence given by the appellant using physical/mental cruelty or harassing the respondent. The Court also came to the finding that the prosecution was unable to prove the main ingredient under Section 498-A of the I.P.C. and that none of the relevant witnesses 14 were able to give evidence on the issue of taking of dowry between the parties. Further, the Metropolitan Magistrate found that the complainant (respondent herein) was in the habit of lodging criminal complaints before the Police Station of petty issues which made a mockery of the law.

It is also admitted by both the parties that the local village elders held panchayat meetings several times for reconciliation between the appellant and the respondent, which however did not succeed. The appellant also suffered imprisonment for 15 days as a result of C.C.No.517 of 2014 before he was released on bail. The criminal case was finally dismissed and the appellant was acquitted of the charges by the order dated 30.06.2015. This however did not deter the respondent from filing more criminal cases against the appellant.

Unfortunately, the acquittal of the appellant was subsequent to the impugned judgment dated 02.11.2021. The acquittal assumes significance in light of the allegations made by the respondent against the appellant. The acquittal casts a shadow on the truth of the allegations made by the respondent. Further, the consequences of the criminal cases cannot be discounted. The appellant lost his job as a teacher and is unable to find a new job by reason of the criminal cases registered against him. There is no evidence filed before the Court to show that the appellant and the respondent intend to continue living as a married couple or are looking forward to a life together.

Moreover, the respondent-wife has admitted that the parties lived together as husband and wife only for 3 months and that she is living apart from the appellant for 7 years immediately preceding the date of the cross-examination which was on 16.03.2021. The records also show that the respondent is drawing pension from the authorities in the category of a married woman who has been separated from her husband for more than 1 year.



The only point urged by the counsel for the respondent is of maintenance and that the appellant should take the responsibility of the respondent's financial needs. The respondent can certainly exercise this right in independent proceedings. We do not wish to express any view on the same since those proceedings are not before us.

The above reasons persuade us to allow the appeal. We have no doubt that the appellant is entitled to a decree of divorce on the ground of cruelty and of the marriage having broken down beyond repair. There is no chance of the parties resuming their matrimonial life. The parties have also not expressed any intention to do so by way of their respective submissions or by documentary evidence. Since the very foundation of the marriage has fallen apart, the Court cannot force the parties to reconcile and live together as husband and wife.

The impugned order dated 02.11.2021 is set aside. C.M.A.No.68 of 2024 is accordingly allowed and disposed of along with all connected Interlocutory Applications.



HON'BLE SRI JUSTICE K. LAKSHMAN

Acts/Rules: Code of Criminal Procedure, 1973; Indian Penal Code, 1860 etc.

Case Details: Yeduguri Sandinti Bhaskar Reddy Vs The State in CRIMINAL PETITION Nos.3044 AND 3046 OF 2024 ([Click here for full Judgment](#))

Date of Judgment: 03-05-2024.

Facts: These Criminal Petitions are filed under Sections – 437 and 439 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') to grant regular bail to the petitioners herein/A.6 and A.7 in S.C.No.1 of 2023 pending on the file of Principal Special Judge for CBI Cases, Hyderabad. The offences alleged against them are punishable under sections 120-B read with Sections 302 and 201 of the Indian Penal Code, 1860 (for short, 'the IPC').

Held: All the witnesses in the present case are from the State of Andhra Pradesh. The apprehension of the CBI as well as 2nd respondent is that A.7 may threaten witnesses and interfere with the fair trial. He is father of A.8 who is sitting Member of Kadapa Parliamentary Constituency and close relative of present Chief Minister of Andhra Pradesh.

The CrI.P.No.3046 of 2024 filed by A.6 is dismissed. However, CrI.P.No.3044 of 2024 filed by the petitioner/A.7 is allowed granting bail to him on the following conditions:-



- i. The petitioner herein/A.7 is directed to be released on bail on his executing a personal bond for a sum of Rs. 2,00,000/- (Rupees two lakhs only) with two sureties for likesum each to the satisfaction of the learned Principal Special Judge for CBI Cases, Hyderabad.
- ii. Petitioner shall report before Central Crime Station (CCS) Hyderabad, weekly once i.e. on every Tuesday between 10 A.M. to 5 PM.
- iii. Petitioner herein shall not interfere with the trial in S.C. No.1 of 2023 pending on the file of Principal Special Judge for CBI Cases, Hyderabad, in any manner directly or indirectly.
- iv. The petitioner herein shall not enter into State of Andhra Pradesh where almost all the witnesses in the present case are residing, without permission of the trial Court.
- v. The petitioner shall surrender his original passport before the trial Court and shall not leave the country without permission of the trial Court.
- vi. Liberty is granted to the CBI and 2nd respondent to seek cancellation of bail granted to the petitioner/A.7 in the event of petitioner/A.7 interfering with the trial in S.C.No.1 of 2023 pending on the file of Principal Spl. Judge for CBI Cases, Hyderabad and threatens any witness. vii. The petitioner herein shall not indulge in any criminal acts which will hamper peace and harmony.
- vii. The petitioner shall cooperate with the trial Court in concluding the trial in S.C.No.1 of 2023.

As a sequel thereto, miscellaneous petitions, if any, pending in the criminal petitions, shall stand closed.



HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

Acts/Rules: Constitution of India; Telangana Rights in Land and Pattadar Pass Books Act 1971 etc.

Case Details: Rock Hills Realty Pvt Vs State of Telangana in WRIT PETITION No.30193 OF 2023 ([Click here for full Judgment](#))

Date of Judgment: 02-05-2024.



Facts: The order dated 06.10.2023 in File No.D2/2075/2023 passed by respondent No.2 - the District Collector, Ranga Reddy District, Kongara Kalan, Ibrahimpatnam, Ranga Reddy District whereby respondent Nos.5 to 9 (claiming to be the legal representatives of late Debbad Narayana, S/o. Viswanatham) were granted succession is challenged in this writ petition by the petitioner as being illegal and violative of Articles 14 and 300-A of the Constitution of India.

Held: It is a classic case where respondent No.2 entered in the realm of civil law jurisdiction and passed the impugned order. In the light of the observations made above, this Court does not have any hesitation to hold that the respondent No.2 has exceeded his jurisdiction by entering into serious disputed questions of title and legal issues in a succession application and thus, the impugned order is unsustainable.

As the impugned order is liable to be set aside for the aforesaid reasons, the submission of the learned senior counsel for the petitioner regarding violation of principles of natural justice and hearing, in entirety, not being conducted by the respondent No.2 and being conducted by the respondent No.3-Joint Collector is not necessary to be decided in this case. With regard to the contentions raised by the learned senior counsel appearing for both the sides regarding payment of total sale consideration under the agreement of sale dated 19.03.1994 and delivery of possession or otherwise, this Court consciously has not recorded any findings on such points as the scope of adjudication in this writ petition, which is filed challenging the order in succession application, is very limited.

The judgment in SURAJ LAMP INDUSTRIES PVT. LTD. v. STATE OF HARYANA ((2012) 1 SCC 656) relied upon by the learned senior counsel for the respondents No.5 to 10 is not relevant for the instant case as this Court is not adjudicating the title of the parties with reference to Agreement of Sale and general power of attorney. This writ petition arises out of an order passed in a succession application and as discussed in the above paragraphs, the dispute regarding title ought not to have been decided by the respondent No.2 in the impugned order. The other judgments relied upon by the learned senior counsel on the point of compliance of principles of natural justice are also not relevant in view of the observations made in paragraph 22 above.

Accordingly, the writ petition is allowed. The impugned order dated 06.10.2023 is set aside. Consequently, the pattadar passbooks and title deeds in respect of Khata Nos.61077, 60178, 60179, 60180 and 60181 shall stand cancelled. This order shall not preclude the respondents No.5 to 10 from approaching a competent civil Court to challenge the sale deed dated 19.10.2022 executed in favour of the petitioner by raising all legal and factual grounds.



HON'BLE SMT JUSTICE P. SREE SUDHA

Acts/Rules etc: A.P Rights in Lands and Pattedar Passboks Act etc.

Case Details: Keesari Srinivas Vs Mohd. Wahed Ali in SECOND APPEAL No.483 of 2007
([Click here for full Judgment](#))

Date of Judgment: 03-06-2024.

Facts: Initially, appellants/plaintiffs have filed a suit vide O.S.No.255 of 1998, for perpetual injunction restraining the respondents/defendants from interfering with their peaceful possession and enjoyment of the plaint schedule lands. The appellant No.1/plaintiff No.1 was examined himself as P.W.1 and also got examined P.Ws.2 and 3 on his behalf and marked Exs.A1 to A19 on their behalf. D.Ws.1 to 20 were examined on behalf of the respondents/defendants and marked Exs.B1 to B16 and Ex.C1 on their behalf. The trial Court after considering the arguments of both sides, decreed the suit. Aggrieved by the said Judgment and decree, defendants therein preferred an appeal before the first appellate Court, and the first appellate Court by Judgment and decree dated 23.02.2007, allowed the appeal setting aside the Judgment of the trial Court, against which respondents therein preferred the present second appeal.

Held: The case of the defendants is that parents of the plaintiffs authorized defendant No.13, executed G.P.A and also executed agreement of sale in his favour regarding the suit land measuring an extent of Ac.1 – 13 gts, as such he converted the same into house plots and sold to defendants No.1 to 12 and others and also executed registered sale deeds in their favour, but the revenue authorities issued pattadar passbook in favour of plaintiffs without inspecting the suit schedule property and without analysing the fact that agricultural land was already converted into house sites. Defendants further contended that in the written statement filed in O.S.No.43 of 1985, they denied the title of the plaintiffs. Knowing pretty well about the same, plaintiffs filed the present suit simply for bare injunction instead of filing suit for declaration. The first appellate Court considering the above aspects and also the sale deeds executed by defendant No.13 in favour of several other persons, rightly dismissed the appeal and set aside the Judgment of the trial Court. This Court finds that it is just and reasonable to dismiss the present second appeal confirming the Judgment of the first appellate Court.

In the result, the second appeal is dismissed, confirming the Judgment and decree passed by the first appellate Court in A.S.No.10 of 2006, dated 23.02.2007 and the Judgment and decree passed by the trial Court in O.S.No.255 of 1998, dated 20.03.2006, is set aside. There shall be no order as to costs.



HON'BLE DR. JUSTICE G. RADHA RANI

Acts/Rules: Prevention of Corruption Act, 1988; IPC; Cr.P.C., etc.

Case Details: B. Uma Maheswar Vs The State of Telangana in CRIMINAL REVISION CASE No.24 of 2024. ([Click here for full Judgment](#))

Date of Judgment: 10-04-2024.

Facts: This Criminal Revision Case is filed by the petitioner –respondent No.2 aggrieved by the order dated 18.12.2023 in CrI.M.P.No.1405 of 2023 in C.C.No.70 of 2015 on the file of the Court of the Special Judge for Trial of SPE & ACB Cases at Karimnagar.

Held: The Hon'ble Apex Court in State of Kerala Vs. K. Ajith & Ors.(2021 CrI.L.J. 4058) on examining the various judgments holding the field on the said aspect held that:

“ 23. The principles which emerge from the decisions of this Court on the withdrawal of a prosecution under Section 321 of the CrPC can now be formulated:

(i) Section 321 entrusts the decision to withdraw from a prosecution to the public prosecutor but the consent of the court is required for a withdrawal of the prosecution;

(ii) The public prosecutor may withdraw from a prosecution not merely on the ground of paucity of evidence but also to further the broad ends of public justice;

(iii) The public prosecutor must formulate an independent opinion before seeking the consent of the court to withdraw from the prosecution;

(iv) While the mere fact that the initiative has come from the government will not vitiate an application for withdrawal, the court must make an effort to elicit the reasons for withdrawal so as to ensure that the public prosecutor was satisfied that the withdrawal of the prosecution is necessary for good and relevant reasons;

(v) In deciding whether to grant its consent to a withdrawal, the court exercises a judicial function but it has been described to be supervisory in nature. Before deciding whether to grant its consent the court must be satisfied that:

(a) The function of the public prosecutor has not been improperly exercised or that it is not an attempt to interfere with the normal course of justice for illegitimate reasons or purposes;

(b) The application has been made in good faith, in the interest of public policy and justice, and not to thwart or stifle the process of law;

(c) The application does not suffer from such improprieties or illegalities as would cause manifest injustice if consent were to be given;



- (d) The grant of consent sub-serves the administration of justice; and*
- (e) The permission has not been sought with an ulterior purpose unconnected with the vindication of the law which the public prosecutor is duty bound to maintain;*
- (vi) While determining whether the withdrawal of the prosecution subserves the administration of justice, the court would be justified in scrutinizing the nature and gravity of the offence and its impact upon public life especially where matters involving public funds and the discharge of a public trust are implicated; and*
- (vii) In a situation where both the trial judge and the revisional court have concurred in granting or refusing consent, this Court while exercising its jurisdiction under Article 136 of the Constitution would exercise caution before disturbing concurrent findings. The Court may in exercise of the well-settled principles attached to the exercise of this jurisdiction, interfere in a case where there has been a failure of the trial judge or of the High Court to apply the correct principles in deciding whether to grant or withhold consent.”*

“58. The test which has been laid down in the decisions of this Court commencing with Ram Naresh Pandey (supra) in 1957, spanning decisions over the last 65 years is consistent. The true function of the court when an application under Section 321 is filed is to ensure that the executive function of the public prosecutor has not been improperly exercised or that it is not an attempt to interfere with the normal course of justice for illegitimate reasons or purposes. The court will grant its consent if it is satisfied that it sub-serves the administration of justice and the purpose of seeking it is not extraneous to the vindication of the law. It is the broad ends of public justice that must guide the decision. The public prosecutor is duty bound to act independently and ensure that they have applied their minds to the essential purpose which governs the exercise of the powers. Whether the public prosecutor has acted in good faith is not in itself dispositive of the issue as to whether consent should be given. This is clear from the judgment in Sheonandan Paswan (supra). In paragraph 73 of the judgment, Justice V Khalid has specifically observed that the court must scrutinize “whether the application is made in good faith, in the interest of public policy and justice and not to thwart or stifle the process of law”. Good faith is one and not the only consideration. The court must also scrutinize whether an application suffers from such improprieties or illegalities as to cause manifest injustice if consent is given.”

The Hon’ble Apex Court in *State of Odisha v. Chandrika Mahapatra*((1976) 4 SCC 250) held that:

“when the evidence collected during the investigation was meager, no useful purpose would be served for proceeding with the case against the accused and it was a



legitimate ground for withdrawal of the case. The Government might have issued the G.O., on considering all the above aspects. Though the Special Public Prosecutor had not specifically stated the reasons considered by him stated that on considering the material evidences available on record and on application of the mind independently and also for the reasons accorded by the Government, he was satisfied that the case was fit for withdrawal for prosecution.”

Considering the above judgments of the Hon’ble Apex Court and the principles reiterated therein, as the evidence gathered against the petitioner is meager, except the entries in the registers there is no other evidence in the present case also and considering all the issues only the Government issued the G.O. withdrawing the prosecution and the Special Public Prosecutor also filed the petition under Section 321 of Cr.P.C., it is considered fit to allow the revision setting aside the orders of the learned Special Judge for Trial of SPE & ACB Cases at Karimnagar in CrI.M.P.No.1405 of 2023 in C.C.No.70 of 2015 dated 18.12.2023 and the petition is allowed permitting the prosecution to withdraw the case against the petitioner – AO-2 under Section 321 of Cr.P.C. and the petitioner – AO-2 is discharged for the offences punishable under Section 13(1)(a)(d) read with 13(2) of the P.C. Act, with which he was charged.

In the result, the Criminal Revision Case is allowed setting aside the orders of the learned Special Judge for Trial of SPE & ACB Cases at Karimnagar in CrI.M.P.No.1405 of 2023 in C.C.No.70 of 2015 dated 18.12.2023 and the petition is allowed permitting the prosecution to withdraw the case against the petitioner – AO-2 under Section 321 of Cr.P.C. and the petitioner – AO-2 is discharged for the offences with which he was charged.



HON’BLE SRI JUSTICE K. SURENDER

Acts/Rules: Prevention of Corruption Act; IPC etc.

Case Details: C.Bala Malleshwar Rao & others **Vs** The State of Telangana ACB, City Range, rep. by Special Public Prosecutor **in** Criminal Appeal No.729 OF 2007 etc., ([Click here for full Judgment](#))

Date of Judgment: 16.04.2024.

Facts: These Criminal Appeals are filed aggrieved by the conviction recorded by the Principal Special Judge for SPE & ACB Cases, City Civil Court at Hyderabad vide judgment in C.C.No.17 of 2000 dated 15.06.2007 for the offences punishable under



Sections 13(1)(c) r/w 13(2) Section 13(1)(d)(i) & (ii) r/w 13 (2) of the Prevention of Corruption Act, under Section 409 r/w 120-B IPC and Section 477A r/w Section 120-B IPC.

Held: The Hon'ble Supreme Court in the case of R.Sai Bharathi v. J.Jayalalitha (AIR 2004 SC 892) held that entrustment has to be proved for establishing an offence of criminal misappropriation.

The case is one of circumstantial evidence. The burden is on the prosecution to prove the circumstances of the case by admissible and legal evidence. All such circumstances cumulatively should form a complete chain pointing unerringly towards the guilt of the accused. The circumstances relied upon by the prosecution should be incompatible with the innocence of the accused leading to the only conclusion of the guilt of the accused. The Hon'ble Supreme Court in the case of State of Uttar Pradesh v. Sukhbasi (AIR 1985 SC 1224), Haricharan v. State of Rajasthan (AIR 1998 SC 244) held that where there are missing links in the chain of evidence adduced by the prosecution, benefit of doubt should go to the accused.

In Anthony D'Souza v State of Karnataka ((2003) 1 SCC 259), the Hon'ble Supreme Court held that in order to sustain conviction, the evidence produced by the prosecution should not only be consistent with the guilt of the accused but should also be inconsistent with the innocence of the accused.

In view of above discussion, the prosecution has failed to provide evidence to prove guilt of the accused and accordingly, benefit of doubt is extended to the appellants herein.

In the result, the judgment in C.C.No.17 of 2000 dated 15.06.2007 is hereby set aside against A4, A5, A7, A9, A10 and A11. Since the appellants are on bail, their bail bonds shall stand discharged.



HON'BLE MRS. JUSTICE SUREPALLI NANDA

Acts/Rules: Constitution of India etc

Case Details: Vyshnav Dinesh & others **Vs** State of Telangana & other **in** W.P.No.34185 OF 2023 ([Click here for full Judgment](#))

Date of Judgment: 03.06.2024.



Facts: The case of the Petitioners as per the averments made by the petitioners in the affidavit filed by the petitioners in support of the present Writ Petition, in brief, are as follows:

a) The Petitioners are parents of students who are studying at Brilliant Grammar High School, Godavarikhani. All the students were pursuing their schooling at the 6th respondent school and previously got admitted at the Brilliant Grammar High School, Godavarikhani.

b) The 6th respondent did not give Transfer Certificate and the 6th respondent harassed the petitioners to make additional payment apart from the balance fee payment in order to issue the Transfer Certificate. Upon the petitioners' sincere request, the 7th respondent accepted to join petitioners' children to the 7th respondent school subject to the condition that the Transfer Certificate would be given to them at the earliest. While, petitioners tried to persuade to give petitioners' children's Transfer Certificates, the 6th respondent has failed to issue the same and resorted to making illegal demands time and again.

c) The 7th respondent on numerous occasions informed the petitioners herein to submit the Transfer Certificates at the earliest and also indicated that the admission was provided only on the assurance that the Transfer Certificates of the said students would be provided at the earliest. For which, petitioners requested for additional time to submit the Transfer Certificates as the same was not being released by the 6th respondent.

d) Left with no other opinion, the petitioners made several representations to the 4th & 6th respondents addressing petitioners grievance, but to no avail as the petitioners did not receive any reply except on one occasion where the 4th respondent has indicated vide proceedings Rc.No.999/A7/2022, undated August, 2022 that the Transfer Certificate can be provided upon payment of balance fee to the 6th respondent, there is no pending fee which has to be paid to the 6th respondent and as such the petitioners could not be fastened with such liability.

e) It is specific case of the petitioners that the petitioners requested further time before the 7th respondent. The 7th respondent stated that they were helpless as the 4th respondent issued closing orders vide proceedings bearing Rc.No.3220/A7/2022, dated 17.10.2023, thereby the 2nd respondent on the basis of closing orders dated 17.10.2023, directed the petitioners to take necessary steps to close down the classes I to X for not submitting Transfer Certificates of the children of the petitioners. When the 7th respondent has challenged the closing orders vide proceedings bearing Rc.No.3220/A7/2022, dated 17.10.2023, this Court passed Interim orders observing as under:



"Taking into consideration the fact that the petitioner Institution is an Institution imparting Education to around 900 students, this court opines for the sake of non-submission of transfer certificates in respect of the 46 students, the other students cannot be penalized and put to hardship in the midst of the Academic year. Moreover, the learned counsel appearing on behalf of the petitioner Institution undertakes to submit the transfer certificates as called upon vide Proc. No.999/ A7/2022, dated 28.06.2023 of District Educational Officer, Peddapalli in respect of 46 students by 15.12.2023 without fail."

f) It is further the case of the petitioners that the 7th respondent putting pressure on the petitioners to submit the Transfer Certificate and the 7th respondent requires the said Transfer Certificates of students to register the students names in Unified District Information System for Education and the last date for registration had already passed. Aggrieved by the same, petitioners approached this Court by filing the present Writ Petition.

Held: In S.Muthukamatch vs. The Director of Technical Education, Anna University in W.P.(MD) NO.14394 of 2012, dated 18.12.2012, the Madras High Court at Madurai Bench categorically held that certificates of student is her/his property. College cannot detain the said certificates at any rate. Even if the college has any monetary claim, the rejection of the said certificates is not the method by which the claim can be enforced. There is no lien on the certificates of the students.

The Madras High Court in R.Pradeep Raj v. Commissioner, the Directorate of Technical Education reported in 2019 SCC OnLine Mad.9385, and this Court in Kaluri Shiva Sai Teja vs. The State of Telangana in W.P.No.2930 of 2022, dated 24.06.2022 and D.Vaishnavi vs. State of Telangana, represented by its Principal Secretary Health Medical and Family Welfare, Hydeabad in W.P.No.21137 of 2019, dated 24.01.2020 and also the High Court of Andhra Pradesh at Amaravati in Andhra Pradesh Private Unaided Schools Management Association v. The State of Andhra Pradesh in W.P.No.9606 of 2021, dated 27.10.2021 directed the college concerned authorities to return the certificates and granted liberty to the college to claim fee by availing legal remedies in similar circumstances.

The order dated 16.09.2020 passed in W.P.(C)No.20027 of 2020 in "DIPESH KU.PADHIRARI v. HI-TECH MEDICAL COLLEGE & HOSPITAL AND OTHERS", in particular, para 8 of the said Judgment reads as under:

"8. It must be mentioned that during arguments it was pointed out to us that some educational institutions are collecting, in advance, the fees for the entire course i.e. for all the years. It was submitted that this was done because the institute was not sure whether the student would leave the institute midstream. It was submitted that if the



student left the course in midstream then for the remaining years the seat would lie vacant and the institute would suffer. In our view an educational institution can only charge prescribed fees for one semester/year. If an institution feels that any particular student may leave in midstream then, at the highest, it may require that student to give a bond/Bank guarantee that the balance fees for the whole course would be received by the institute even if the student left in midstream. If any educational institution has collected fees in advance, only the fees of that semester/year can be used by the institution. The balance fees must be kept invested in fixed deposits in a nationalised Bank. As and when fees fall due for a semester/year only the fees falling due for that semester/year can be withdrawn by the institution. The rest must continue to remain deposited till such time that they fall due. At the end of the course the interest earned on these deposits must be paid to the student from whom the fees were collected in advance."

UGC guidelines, dated 23.04.2007, in particular, paragraph No.2 reads as under:

*"2. The Commission is of the view that the Institutions/Universities, by way of retaining the certificate in original, force retention of admitted students which limits the opportunities for the candidates from exercising other options of joining other institutions of their choice. However, it would not be permissible for institutions and Universities to **retain the School/Institution, Leaving Certificate, mark sheet, caste certificate and other documents in original.**"*

This Court opines that the 6th respondent cannot withhold the Transfer Certificate unless and until the amount in dispute as school fee is paid by the petitioner. There is no lien on the certificate of the students since the certificate of the student is his/her property. This Court opines that the right of children to get the Transfer Certificates from one school to join another school for whatever reason cannot be denied by the school authorities merely because the school fee is due, if an amount is due towards fee, the proper course open to the 6th respondent is to file appropriate proceedings against the petitioners for recovery before competent courts and coercive tactics cannot be adopted by the 6th respondent to make the petitioners pay the school fee. This Court opines that there is no justification by the 6th respondent to withhold the certificates of the children of the petitioners.

Taking into consideration:

- (i) the aforesaid facts and circumstances of the case,**
- (ii) the observations of various Court's in the judgments (referred to and extracted above)**



(iii) the UGC guidelines, dated 23.04.2007, the Writ Petition is allowed as prayed for and the 6th respondent is directed to issue the Transfer Certificates to the petitioners' children within a period of two (02) weeks from the date of receipt of copy of this order.



HON'BLE SRI JUSTICE N.V. SHRAVAN KUMAR

Acts/Rules: Constitution of India etc.

Case Details: G. Pentaiah Goud Vs The State of Telangana Represented by its Principal Secretary, (Stamps and Registration), Secretariat, Hyderabad and others in WRIT PETITION No.32194 of 2023 ([Click here for full Judgment](#))

Date of Judgment: 02-05-2024.

Facts: This writ petition has been filed seeking writ of mandamus declaring the action of the respondent No.2 in not receiving, registering and releasing the gift deed presented by the petitioner in respect of H.No.43-296/99/1A (Old), 43-349/14 (New), PTI No.1171004909, in Survey No.409 on Eastern side admeasuring 100 square yards out of 190 square yards, situated at RTC Colony, Moulaali, Hanuman Nagar, Krishna Nagar Colony, Medchal Malkajgiri District (hereinafter referred to 'the subject property') as illegal and arbitrary and consequently to direct the respondent No.2 to receive, process, register and release the gift deed/any other deeds presented in respect of the subject property, without insisting No Objection Certificate (NOC) from the respondent No.3.

Held: In the case on hand, the petitioner seeks prayer to register a document on the basis of un-registered/notarized documents. Applying the ratio laid down in the case of Eureka Builders v. Gulabchand, [(2018) 8 SCC 67], to the case on hand and since the petitioner did not have subsisting right, title or interest over the subject property and wants to gift the said property to his son, such transfer is an illegal and void transfer and therefore, the relief as sought for by the petitioner in the present writ petition cannot be entertained. Further it is pertinent to note here that the modus operandi adopted by the petitioner for registration of subject document only for the purpose to fill up lacunae of unregistered documents and for such purpose filing of present writ petition is nothing but misleading the Court. Hence, this Court deems it fit to dismiss the writ petition. Accordingly, this writ petition is dismissed.



HON'BLE SMT. JUSTICE M.G.PRIYADARSINI

Acts/Rules/Case Law: Civil Procedure Code etc.

Case Details: M/s Neelam Builders and Developers Vs Syed Aijaz Mohiuddin in A.S.No.340 OF 2023. ([Click here for full Judgment](#))

Date of Judgment: 26-04-2024.

Facts: The brief facts of the case, which necessitated the appellant to file the present appeal, are that the plaintiff filed O.S.No.13 of 2003 on the file of I Additional District Judge at Mahaboobnagar seeking specific performance of agreement of sale dated 27.05.2003 against defendant Nos.1 and 2 and the said suit was decreed on contest on 02.09.2006. The plaintiff filed E.P. No.65 of 2006 subsequently renumbered as E.P.No.1403 of 2022. During the pendency of the EP, the claim petitioner i.e., the appellant herein has filed E.A.No.5 of 2021 subsequently renumbered as E.A.No.24 of 2023 under orderXXI Rule 58 read with Section 151 of the Code of Civil Procedure. The brief averments of the claim application filed by the claim petitioner are as under:

a) Defendant Nos.1 and 2 are the absolute owners, pattedars and possessors of the suit schedule property having purchased the same through registered sale deed bearing document No. 2252 of 1999 dated 05.08.1999 from Manikonda Yadaiah Goud but the said Manikonda Yadaiah Goud unilaterally executed the registered cancellation deed bearing document No.24650 of 2006 dated 02.12.2006. Aggrieved by the same, the defendant Nos.1 and 2 filed W.P. No.23856 of 2008 declaring unilateral cancellation of the sale deed as null and void. Since the date of purchase, the defendant Nos.1 and 2 are in actual and exclusive possession of the suit schedule property and pattadar passbooks and title deeds were issued in their names.

b) Defendant Nos.1 and 2 have entered into registered development agreement – cum – General Power of Attorney bearing document No.2050 of 2020 dated 24.01.2020 with the claim petitioner to the extent of Ac.14.10 guntas in Sy.Nos.9/E and 32/A of Solipur Village to do all the acts with 43% share of sale. The claim petitioner has paid Rs.50,00,000/- to the defendant Nos.1 and 2 on 27.12.2019, 20.01.2020 and 25.01.2020 towards refundable deposits. The claim petitioner spent huge amounts for the development of the said land.

c) In the month of March, 2021 the claim petitioner came to know that plaintiff filed O.S.No.13 of 2003 against defendant Nos.1 and 2 and the said suit was decreed on 02.09.2006. The defendant Nos.1 and 2 filed A.S.no.657 of 2006, which was dismissed on 23.03.2010 by the High Court. The claim petitioner also came to know that the E.P. No.65 of 2006 filed by the plaintiff was dismissed on 27.11.2019. After dismissal of the EP filed by the plaintiff, the defendant Nos.1 and 2 entered into registered development agreement – cum – General Power of Attorney bearing document



No.2050 of 2020 dated 24.01.2020 with the claim petitioner and also delivered possession of the lands. The plaintiff is aware of the fact that the suit schedule lands were in possession of the claim petitioner since 24.01.2020 and the plaintiff never made any objection before any authority and he had not added him as party to the Execution Petition.

d) It appears that the plaintiff and defendant Nos.1 and 2 connived together and created litigation in the matter after entering into development agreement – cum – General Power of Attorney bearing document No.2050 of 2020 dated 24.01.2020 with the claim petitioner. The claim petitioner came to know that the agreement of sale itself was manipulated document and the collusive suit was filed so as to make wrongful gain and to usurp the lands for which the claim petitioner entered into.

Held: It is the contention of the claim petitioner that he is a bonafide purchaser of the suit schedule property having been entered into a registered development agreement – cum – GPA.

In **Suraj Lamps and Industries Private Limited v. State of Harayana** and others (2009 (7) SCC 363) the Honourable Supreme Court observed as under:

“16. We therefore reiterate that immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance. Transactions of the nature of ‘GPA sales’ or ‘SA/GPA/WILL transfers’ do not convey title and do not amount to transfer, nor can they be recognized or valid mode of transfer of immoveable property. The courts will not treat such transactions as completed or concluded transfers or as conveyances as they neither convey title nor create any interest in an immovable property. They cannot be recognized as deeds of title, except to the limited extent of section 53A of the TP Act. Such transactions cannot be relied upon or made the basis for mutations in Municipal or Revenue Records. What is stated above will apply not only to deeds of conveyance in regard to freehold property but also to transfer of leasehold property. A lease can be validly transferred only under a registered Assignment of Lease. It is time that an end is put to the pernicious practice of SA/GPA/WILL transactions known as GPA sales.”

In **Konkana Ravinder Goud and others v. Bhavanarish Cooperative House Building Society, Hyderabad and others** ((2003 (5) ALD 654 (DB)) wherein the High Court for the erstwhile State of Andhra Pradesh observed as under:

“62. Agreement to sell does not convey any right, title or interest in the property. Supreme Court in K. Seetharama Reddy and Anr. v. Hassan Ali Khan, , examined the effect of execution of an agreement of sale. It was argued before the Supreme Court



that in India also like England on execution of agreement of sale equitable interest in the property is created. Repelling this argument, it was held that the English doctrine of conversion of realty into personality cannot be bodily lifted from its native English soil and transplanted in statutebound India law. But, we have to notice that many of the principles of English Equity have taken statutory form in India and have been incorporated in occasional provisions of various Indian statutes such as the Indian Trusts Act, the Specific Relief Act, Transfer of Property Act etc. and where a question of interpretation of such Equity based statutory provisions arises we will be well justified in seeking aid from the Equity source. The concept and creation of duality of ownership, legal and equitable, on the execution of an agreement to convey immovable property, as understood in England is alien to Indian Law, which recognises one owner i.e. the legal owner. Relying upon the decisions in Rambaran Prosad's case (supra) and Narandas Karsondas case (supra) and, referring to Section 54 of Transfer of Property Act, Apex Court held that ultimate paragraph of Section 54 of the Transfer of Property Act enunciates that a contract of the sale of immovable property does not, of itself, create any interest in or charge on such property. The ultimate and penultimate paragraphs of Section 40 of the Transfer of Property Act create an obligation, annexed to the ownership of immovable property, not amounting an interest in the property. Thus, the only right a person acquires by execution of agreement is not an interest in the property but a right to seek enforcement of the agreement by resorting to provisions of the Specific Relief Act and filing a suit to enforce the agreement of sale."

In view of the principle laid down in the above said decisions, it is clear that a person cannot acquire rights over the property merely by execution of agreement of sale.

In Smt. Ved Kumari (dead through her LR) Dr. Vijay Agarwal v. Municipal Corporation of Delhi Through its Commissioner (2023 Live Law (SC) 71) the Honourable Supreme Court observed as under:

"15. In view of the settled legal position, as noted (supra), it was the duty of the Executing Court to issue warrant of possession for effecting physical delivery of the suit land to the decree-holder in terms of suit schedule property and if any resistance is offered by any stranger to the decree, the same be adjudicated upon in accordance with Rules 97 to 101 of Order XXI of the CPC. The Executing Court could not have dismissed the execution petition by treating the decree to be inexecutable merely on the basis that the decree-holder has lost possession to a third party/encroacher. If this is allowed to happen, every judgmentdebtor who is in possession of the immovable property till the decree is passed, shall hand over possession to a third party to defeat the decree-holder's right and entitlement to enjoy the fruits of litigation and this may continue indefinitely and no decree for immovable property can be executed."



In view of the principle laid down in the above said decision it is clear that execution petition cannot be dismissed merely because the decree holder has lost possession to a third party. It is also settled law that Executing Court can go into the questions that are limited to execution of decree and can never go behind the decree.

In view of the above facts and circumstances, this Court is of the opinion that the Executing Court has rightly dismissed the claim application as the claimant could not establish any of the grounds through convincing and cogent evidence that she is the rightful owner of the suit schedule property having purchased the same from the rightful owner of the property. The Executing Court has rightly considered all the aspects and arrived to an appropriate conclusion in dismissing the claim application. Therefore, viewed from any angle there is no illegality or irregularity committed by the Executing Court while passing the impugned order, thus, the appeal is devoid of merits and it is liable to be dismissed.



HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

Acts/Rules: RBI/2022-23/108 DOR.ORG.REC.65/21.04.158/2022-23 etc.

Case Details: Medisetty Krishnaveni **Vs** State Bank of India, Rep. by its Chairman & Managing Director, Mumbai, Maharastra, and others in WRIT PETITION No.8723 of 2024 ([Click here for full Judgment](#))

Date of Judgment: 03.04.2024.

Facts: It is the case of petitioner that she has availed car loan from the respondent No.3-bank vide Loan A/c.No.37443787307 on 29.12.2017 for a sum of Rs.35,50,000/-. It is further case of the petitioner that ever since she obtained loan, she has been regularly paying the instalments in terms of the agreement and only during the COVID-19 pandemic period, the instalments were irregular. During the COVID-19 pandemic period, the Reserve Bank of India (for short 'RBI') has imposed the Moratorium with regard to payment of loan amounts by postponing the same and as such she was unable to pay the amounts and subsequently as per the schedule, she has been complying with the terms and conditions of the loan agreement. It is also the case of the petitioner that the respondent No.3 without following the procedure, declared her account as NPA on 25.11.2023 and calculated the outstanding as Rs.11,74,173.53 paise as on 21.03.2024. It is further case of the petitioner that respondent No.3 has issued a notice dated 26.03.2024 for seizure of vehicle on the ground that EMI of Rs.57,387/- for the month of February, 2024 due on 27.02.2024 was not remitted/paid resulting



overdue of loan account and therefore, to regularise the loan account, respondent No.3 demanded to pay Rs.1,42,858/-. It is also case of the petitioner that pursuant to the said notice dated 26.03.2024, the respondent No.3 without following the guidelines of RBI, has been sending the loan recovery agents to her house and harassing to pay the amounts due as per the calculation of respondents.

The grievance of the petitioner is that the respondents are entitled to recover loan amount in terms of the loan agreement by following the procedure established under law and they are not having any right to recover the loan amount by using force.

Held: It is apt and appropriate to extract latest guidelines issued by the Reserve Bank of India on 12.08.2022 with regard to outsourcing of Financial Services – Responsibilities of regulated entities employing Recovery Agents, which reads as follows:

“RBI/2022-23/108

DOR.ORG.REC.65/21.04.158/2022-23

August 12, 2022

Madam/ Sir,

Outsourcing of Financial Services - Responsibilities of regulated entities employing Recovery Agents

The Reserve Bank of India has from time to time advised regulated entities (REs) that the ultimate responsibility for their outsourced activities vests with them and they are, therefore, responsible for the actions of their service providers including Recovery Agents (hereafter referred to as ‘agents’).

2. It has been observed that the agents employed by REs have been deviating from the extant instructions governing the outsourcing of financial services. In view of concerns arising from the activities of these agents, it is advised that the REs shall strictly ensure that they or their agents do not resort to intimidation or harassment of any kind, either verbal or physical, against any person in their debt collection efforts, including acts intended to humiliate publicly or intrude upon the privacy of the debtors' family members, referees and friends, sending inappropriate messages either on mobile or through social media, making threatening and/or anonymous calls, persistently¹ calling the borrower and/or calling the borrower before 8:00 a.m. and after 7:00 p.m. for recovery of overdue loans, making false and misleading representations, etc.



3. The instructions contained in para 2 above shall supplement and be read in conjunction with the existing guidelines/directions issued by the Reserve Bank of India, as amended from time to time, including those tabulated in Annex.

4. Any violation in this regard by REs will be viewed seriously.

Applicability

5. This circular shall apply to the following REs:

- (a) All Commercial Banks (including Local Area Banks, Regional Rural Banks, and Small Finance Banks) excluding Payments Banks;*
- (b) All All-India Financial Institutions (viz. Exim Bank, NABARD, NHB, SIDBI, and NaBFID);*
- (c) All Non-Banking Financial Companies including Housing Finance Companies;*
- (d) All Primary (Urban) Co-operative Banks, State Co-operative Banks, and District Central Co-operative Banks; and*
- (e) All Asset Reconstruction Companies.*

6. This circular shall not apply to microfinance loans covered under ‘Master Direction – Reserve Bank of India (Regulatory Framework for Microfinance Loans) Directions, 2022’, dated March 14, 2022.

Yours faithfully,

(Sunil T. S. Nair)

Chief General Manager”

For the aforesaid reasons and as the procedure adopted by the respondent No.3 for recovery of loan amount from the petitioner, amounts to violation of the rights guaranteed under Articles 14 and 21 of the Constitution of India, this Court deems it appropriate to direct the respondents, to ensure that the agents engaged by them for recovery of the loan amounts, shall strictly follow the guidelines and instructions issued by the Reserve Bank of India and also the judgments of the Hon’ble Supreme Court in ICICI Bank Ltd. vs. Prakash Kaur’s case (1 (2007) 2 SCC 711) and ICICI Bank vs. Shanti Devi Sharma’s case ((2008) 7 SCC 532).



HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

Acts/Rules: Constitution of India

Case Details: Syed Hyder Raza Naqvi Vs The union of India in WP No 4610 of 2024.
([Click here for full Judgment](#))

Date of Judgment: 01-04-2024.

Facts: This Writ Petition is filed to declare the action of the respondents in not considering letter No. 110-81/SJ/02/4, dated 03.02.2024 submitted by petitioner as illegal, arbitrary and in violation of principles of natural justice.

Petitioner No.3 claims to be one of the Directors and National President, Shia Civil Council for Social Justice registered under ROC U85190TG2022NPL 162482, operating from Hyderabad, Telangana. The Council aims to address the financial and equal opportunity challenges faced by Shia community across India. Despite promises from political leaders during elections, the communities lack representation in government bodies, claimed petitioners. The Council therefore, submitted representation before Government of Telangana and Her Excellency Governor on 03.02.2024 to consider the candidature of Mohammed Ali Hyder, a B.Sc. Computer Graduate, as a representative before the State Legislative Council seeking recognition from the Governor of Telangana, as he has the ability to communicate effectively and promote Shia community values peacefully. The Head of the Community conducted voting among all other members who elected the said Hyder to become the first M.L.C. from Shia community in Telangana.

It is stated earlier, petitioners filed Writ Petition No. 7241 of 2023, wherein this Court directed the respondents to consider the Council's representation dated 27.12.2022. However, the said directive remained unimplemented by the 6th respondent.

Petitioners therefore, seek relief from the Court under Article 226 of the Constitution of India to consider the Letter dated 03.02.2024 addressed to Her Excellency Governor to look into the socio-economic, political and educational poor conditions of shia community and do the needful by nominating a Shia Muslim community member in Telangana Legislative Council under Governor's quota for the upliftment of their community, thus fulfilling the objectives and enactment of Article 171(5) of the Constitution which prescribes that members to be nominated by the Governor under sub-clause (e) of clause (3) shall have special knowledge or practical experience in respect of such matters viz. literature, science, art, co-operative movement and social service.



Held: As regards the relief claimed against the 5th respondent, the issue is no more res integra. A Five-Judge Bench of the Hon'ble Supreme Court in *Rameshwar Prasad (VI) v. Union of India* ((2006) 2 SCC 1) held that the Court cannot implead or issue notices to the President or the Governor as they are not answerable to any Court for the exercise and performance of their powers and duties, as Article 361 of the Constitution confers immunity to the President and the Governor.

In *S. Nalini v. Governor of T.N.*, (2019 SCC On Line Mad 9086) a Division Bench of Madras High Court while deciding on maintainability of Writ Petition arraying the Governor as respondent, directing the governor to countersign the proposal submitted by the petitioner for her release. The Court dismissing the Writ Petition held that the Governor is protected under Article 361 of the Constitution of India and is not answerable to any Court with respect to discharge of his duties. The court held that,

" 17. Thus, in the light of the above discussions and decisions of the Supreme Court, it is abundantly clear that the Governor of the State is insulated from being questioned or made answerable to the Courts with respect to discharge of his constitutional functions and duties. The immunity so conferred on the Governor of the State is unfettered and it cannot be intruded by this Court in exercise of the power conferred under Article 226 of The Constitution of India. The personal immunity under Article 361 of the Constitution of India is clear and specific in not to proceed against the President or a Governor of a State, and therefore, the present writ petition, arraying the Governor of the State as respondent No. 1 is not maintainable."

Hence, in view of the settled legal position, this Court cannot direct the 5th respondent – Personal Secretary to the Governor to consider the letter impugned.

However, as petitioners are also stated to have submitted the said letter to the Hon'ble Chief Minister, keeping in view the directions issued by this Court in earlier Writ Petition No. 7241 of 2023 and also percentage of population of Shia community, this Court deems it appropriate to direct the 2nd respondent to consider the letter dated 03.02.2024.

The Writ Petition is accordingly, disposed of directing the 2nd respondent to consider the letter dated 03.02.2024 submitted by the petitioners and take necessary steps in accordance with law.



HON'BLE SRI JUSTICE PULLA KARTHIK

Acts/Rules: Constitution of India etc.

Case Details: T.V. Ramana Rao Vs The State of Telangana in WP 8552 of 2022. ([Click here for full Judgment](#))

Date of Judgment: 01-05-2024.

Facts: Aggrieved by the action of the respondents in contemplating to retire the petitioner on attaining the age of 58 years instead of 65 years and consequently to direct the respondents to continue the petitioner in service till he attains the age of 65 years, the present Writ Petition is filed.

Held: While dealing with a similar situation, in Marwari Balika Vidyalaya v. Asha Srivastava ((2020) 14 SCC 449), the Hon'ble Supreme Court has held that the orders of the learned Single Judge holding that the Writ Petition is not maintainable as the respondent institution is a purely unaided private educational institution, cannot be sustained. The appellant-employee had specifically taken the plea that the respondents perform public functions i.e. providing education to children in their institutions throughout India.

In view of the above settled proposition of law, the objection raised by the respondents with regard to maintainability of the Writ Petition is liable to be rejected as imparting education is a public function and the writ petition is maintainable.

Coming to the judgments relied by the learned counsel for respondents 4 and 5, in Federal Bank v. Sagar Thomas (2003 (10) SCC 733), the aggrieved person was an employee of a bank; In K.K. Saxena v. International Commission (2015 (4) SCC 670), the aggrieved person was an employee of International Commission on Irrigation and Drainage; In Binny Ltd v. Sada Sivan (2005 (6) SCC 657), the aggrieved party was working in a company, which is a manufacturer of cloth; and in Ramakrishna Mission v. Kago Kunya (2019 AIR (SC) 5570), the aggrieved party was the employee of a hospital being run by the respondent-Ramakrishna Mission. In all the above cases, it was categorically held that the writ petition was not maintainable on the ground of absence of public element. Therefore, the said judgments are not helpful to the respondents herein. Further, in St. Mary's Education Society v. Rajendra Prasad Bhargava ((2023) 4 SCC 498), the aggrieved party was a non-teaching staff. Therefore, the said decision is also of no avail to the respondents herein.

As regards the objection taken by respondents 3 and 4 with regard to non-availment of alternative remedy i.e. approaching the Grievance Redressal Committee provided under All India Council for Technical Education (Redressal of Grievance of Faculty/Staff Member) Regulations, 2021, by the petitioner before approaching this Court is concerned, in view of the law laid down by the Hon'ble Supreme Court in Whirlpool



Corpn. v. Registrar Of Trade Marks (1998) 8 SCC 1), the same cannot be a bar for the petitioner to approach this Court.



HON'BLE SRI JUSTICE K. SARATH

Acts/Rules: Telangana Assigned Lands (Prohibition of Transfers) Act, 1977; Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Constitution of India etc.

Case Details: M. Shankar and others. **Vs** State of Telangana, rep. by its Principal Secretary, Revenue Department (LA & JA), Telangana Secretariat Buildings, Hyderabad and others **in** WRIT PETITION Nos.25832 of 2018 and Bayikattu Sujanamma and others **Vs** State of Telangana, rep. by its Principal Secretary, Revenue Department (LA & JA), Telangana Secretariat Buildings, Hyderabad and others **in** 31482 of 2023 ([Click here for full Judgment](#))

Date of Judgment: 06.06.2024.

Facts: Since both these writ petitions arise out of the common issue, they are being disposed of by this common order.

Held: The Division Bench of this Court in Special Collector, AMRP and SLBC vs. Kinnera Syam (2023 SCC OnLine TS 621), held as follows;

“27. Thus, from a careful analysis of the decisions of this Court in Mekala Pandu (supra) and B. Narayan Swamy (supra), it is evident that assignees of government land are entitled to payment of compensation equivalent to the full market value of the land and other benefits at par with the full owners of the land even in cases where the assigned lands were taken possession of by the State in accordance with the terms of the grant notwithstanding the fact that such resumption was for a public purpose. Therefore, the legal position is that assignees of government land are entitled to compensation at par with the pattaholders. This legal right of respondents No. 1 to 27 was not given due recognition by the appellants all along.

As per settled law, in Land Acquisition Officer-cum-R.D.O., Chevella Division, Hyderabad and others vs. Mekala Pandu and others (2004 (2) ALT 546 (L.B.)) and also the Division Bench Judgment of this Court in Special Collector's case (2023 SCC OnLine TS 621), the petitioners are entitled to receive ex-gratia on par with the private patta holders in their respective villages @ Rs.5,65,000/- per acre and the respondents have to pay the said differential amount to the petitioners.



In view of the above findings, both the Writ Petitions are disposed of declaring that the petitioners are entitled to receive ex-gratia on par with the private patta holders of their villages @ Rs.5,65,000/- per acre and the respondents are directed to pay the differential amount with accrued interest by excluding the amount received by the petitioners in respect of the lands situated in their villages i.e, Yelgoi Village, Jharasangam Mandal and Mungi Village, Nyalkal Mandal of Sangareddy District, which were procured for the purpose of National Investment and Manufacturing Zone (NIMZ), Zaheerabad, within eight (8) weeks from the date of receipt of a copy of this order.



HON'BLE SRI JUSTICE J SREENIVAS RAO

Acts/Rules: A.P. Assigned Lands (Prohibition of Transfer) Act, 1977; A.P.Rights in Land and Pattadar Pass Books Act, 1971; Constitution of India; etc.

Case Details: Mandapa Shyam Sunder Rao, S/o. Late Venkateshwar Rao, **Vs** The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and three others **in** WRIT PETITION No.36520 OF 2017 ([Click here for full Judgment](#))

Date of Judgment: 04-06-2024

Facts: This writ petition is filed for the following relief: to pass order or orders one in the nature of WRIT OF CERTIORARI to Quash the proceedings in File No.B/176/2008, dated 10.05.2017 issued from the Office of Respondent No.4 recording the land in Survey No.220/13, to the extent of Ac.2.00 as a KharijKhata out of Ac.3.00gts situated at Peddashapur village, Shamshabad Mandal, R.R. District as the same contravenes the Provisions of G.O.Ms.No.1117, Revenue (Assign – I)Dept, dated 11.11.1993 and G.O.Ms.No.307, Revenue (Assign-I) Dept dated 06.06.2013 against the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 and pass such other order or orders as this Hon'ble Court may deem fit in the circumstances of the case (ii) Consequently direct the respondent No.4 to remove the board installed on the property in respect of land in Sy.No.220/13, situated at Peddashapur village, R.R District and restrain the respondent No.4 from interfering including digging the agricultural land to the extent of Ac.3.00gts in Sy.No.220/13 situated at Peddashapur village, Shamshabad Mandal, R.RDistrict (iii) And further direct the respondent No.2 to 4 to grant no objection (NOC) for transferring of land by the petitioner in respect of remaining land to the extent of Ac.2.00gts out of Ac.3.00gts granted under the Ex-Servicemen quota situated at Peddashapur village through Tahsildar, Rajendranagar,



proceedings No.B2/2090/1977, dated 04.01.1982 in pursuance of application made on 16.06.2006 (iv) And declare the action of the respondents as illegal, arbitrary, against the provisions of natural justice against the provisions of G.O.Ms.No.1117 Revenue (Assign – I) Dept and G.O.Ms.No.307, Revenue(Assign – I) Dept,dt 6.6.2013 and provisions of A.P. Assigned Lands Prohibition of Transfer Act, 1977 and also violation of Article 300A of the Constitution of India.

Held: Taking into consideration of the facts and circumstances of the case, this Court is of the view that respondent No.4 had not passed order as directed by the Spl.Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, in appeal case No.D/1991/2008, dated 29-11-2008 as per the provisions of Act 9/1977 and Rules made thereunder and he only submitted a status report/factual aspects to the District Collector, Ranga Reddy District in respect of subject property. Hence this court is not inclined to set aside the said impugned letter dt. 10-05-2017, of respondent No.4.

However, to render substantial justice to the parties, respondent No.4 is directed to pass appropriate orders, by giving reasons, in accordance with law, pursuant to the orders of the Spl.Grade Deputy Collector & Revenue Divisional Officer, Chevella Division, in appeal case No.D/1991/2008 dated 29-11-2008, after giving notice and opportunity to all the parties concerned, including personal hearing within a period of two (2) months from the date of receipt of copy of this order. Till such time both the parties are directed to maintain Status-Quo in respect of subject property to an extent of Ac.3-00 in Survey No.220/13, situated at Peddashapur Village, Shamshabad Mandal, Ranga Reddy District. It is needless to observe that the petitioner is entitled to raise all the objections which are available under law.

With the above directions, the writ petition is disposed of accordingly.



HON'BLE SRI JUSTICE NAMAVARAPU RAJESWAR RAO

Acts/Rules: State Bank of Hyderabad (Officers) Service Regulations, 1979; Constitution of India.

Case Details: P.T.M.Gopala Krishna Vs Chief General Manager & Appellate Authority, SBI, Hyderabad and another in WRIT PETITION No. 13041 OF 2020 ([Click here for full Judgment](#))

Date of Judgment: 03.05.2024



Facts: The petitioner joined the respondent Bank as a Junior Associate on 05.09.1988, and his probation was confirmed after six months, i.e., on 05.03.1989. Later, the petitioner was promoted as Assistant Manager in normal channel on 01.12.2002. Subsequently, he was promoted as Deputy Manager on 01.12.2006 and finally as Manager on 01.11.2012.

On 16.08.2016, an E-mail from one Sri Nishidhar Reddy Borra, General Secretary of the Association of Australian Education representatives (AAERI) in India, was addressed to the Deputy General Manager, State Bank of Hyderabad, Gunfoundry, informing about the receipt of fraud educational loan sanction letters issued by various Branch Managers of the State Bank of Hyderabad. It was further stated in the said e-mail that they have come across such fake education loan sanction letters issued by different branches of SBH, including the Green Park Colony and Panderghast Road Branches. It was further stated that some Branch Managers of the SBH were also involved along with their associates in the fraud. Some of the identified consultants are one Mr. Sagar and one Mr. Srinivas. It was further informed that a copy of the mail has also been marked to the integrity cell of the Department of Immigration and Border Protection Australia. Accordingly, he requested the competent authority of the SBH to conduct a detailed investigation in respect of the said branches and take appropriate action.

Pursuant to the developments above, the petitioner, during his tenure as MSME at Moulali Branch from August 2015 to October 2017, was issued a Show Cause Notice dated 12.10.2017, requiring him to offer his explanation in respect of the serious irregularities and lapses said to have been committed by him. The petitioner submitted his reply on 23.10.2017, denying the allegations against him in the Show-Cause Notice. Not being satisfied with the petitioner's reply, the Disciplinary Authority issued a Chargesheet dated 30.07.2018 under State Bank of Hyderabad (Officers) Service Regulations, 1979, against the petitioner framing the following articles of charges:

- (i) *You have influenced and pressurized Sri T Bhuvan Mohan, Branch Manager, Green Park Colony, Hyderabad and Sri K Chandra Sekhar, Branch Manager, Prenderghast Road Branch, Secunderabad and forced them to issue pre-printed fake educational loan sanction letters sent by middle man named Sri Sagar to several students, thus passed pecuniary benefit to third parties.*
- (ii) *You have sent such pre printed sanction letters through a middle man by name Sagar and pressurized the Branch Managers to sign the same in the pretext that there is no real financial loss to the bank and assuring that nothing will happen to anybody.*



- (iii) *Your above acts not are in gross violation of Bank's norms but also misguided, thereby cheated the Bank and International Educational Institutes and caused reputational loss to the Bank and Sovereign Nation.*
- (iv) *It is, therefore, alleged that you have failed to discharge your duties with utmost devotion and diligence and violated Rule 50(4) of SBH Officer's Service Regulations, 1979 by which you are governed."*

The petitioner submitted his reply to the said chargesheet vide letter dated 24.08.2018, stating as follows:

"It is a fact that I have merely given a business lead to Sri. T. Bhuvana Mohan in good faith and without negligence. However, I have cautioned him to be diligent in following all systems and procedures. I have neither influenced, nor insisted, nor pressurized him in any manner. I have never forced him to give educational loan sanction letters unauthorisedly. I am not aware of the preprinted sanctioned letters by middle man by name Sri Sagar. I am not aware of the pecuniary benefit to the third parties. I cannot comment on the purported voice recordings in the absence of listening the same by me. I have not told anything to Sri. K. Chandra Sekhar. Branch Manager, Penderghast Road Branch. Therefore, the question of my pressurizing and influencing him does not arise. I am totally unaware of sanction letters issued by these officers as mentioned in the examples. I cannot comment on the observations made by Sri. Nishidhar Reddy Borra, the General Secretary of the Australian Education Representatives of India on the issue of fake education loan sanction letters by branches of SBH in India, as I am not aware of anything in this regard. I have never misguided or cheated the bank in any way. Therefore, it is not correct to say that my actions are in gross violation of Bank's norms causing reputational loss to the Bank and Sovereign Nation..."

Not being satisfied with the above reply, the 2nd Respondent, vide letter dated 28.08.2018, ordered disciplinary proceedings against the petitioner by appointing the Inquiring Authority. A preliminary enquiry was held on 15.09.2018, regular hearings took place on 01.10.2018 and 08.10.2018; and the enquiry concluded on 09.10.2018. The Inquiring Authority submitted its report dated 14.11.2018 to the 2nd Respondent Disciplinary Authority, inter-alia holding that Charges-1(a), 1(b), 2 and 3 as proved, which was communicated to the petitioner vide letter dated 15.11.2018.

The Disciplinary Authority, vide letter dated 17.12.2018, communicated to the petitioner the proposed major penalty, i.e., "Removal from service as provided in Regulation No.67 (i) of the State Bank of Hyderabad (Officers) Service Regulation, 1979" and called upon the petitioner to appear before the Disciplinary Authority on 20.12.2018 for personal hearing and make his submissions as to why the 2nd Respondent should not impose the proposed penalty on the petitioner. The petitioner submitted his response to the same, vide letter dated 20.12.2018. Thereafter, the



Respondent bank issued a copy of the removal order dated 26.12.2018, wherein the Disciplinary Authority imposed the punishment of “Removal from Service” as provided in Regulation No.67(i) of State Bank of Hyderabad (Officers) Service Rules, 1979 and liberty was given to the petitioner to prefer an appeal before the Appellate Authority, if he so desires. Accordingly, the petitioner has preferred an appeal before the Appellate Authority.

The Appellate Authority, under the impugned order dated 18.07.2019, rejected the appeal confirming the punishment of removal from service imposed on the petitioner by the Disciplinary Authority by observing as follows:

“Considering the fact that the official has influenced and pressurized Branch Managers to issue fake educational loan sanction letters and there was a huge reputational loss and dent in the image of the Bank. On account of the gravity of the lapses and in the absence of any new submissions offering mitigation, I am of the considered view that the punishment awarded is commensurate with the gravity of the proven lapses and adequately meets the ends of justices. I, therefore, do not intend to interfere in the process and the appeal is hereby rejected.”

The respondent authorities communicated the impugned order to the petitioner vide letter dated 22.07.2019. Aggrieved thereby, the petitioner has filed the present writ petition.

Held: The punishments imposed on the other Branch Managers are as follows:

“Sri T Bhuvan Mohan : Reduction to a lower stage in the time scale of pay by one stage(s) for a period of one year(s) with further direction that the officer will not earn increments to pay during the rigor of such reduction and on the expiry of such period the reduction will have effect of postponing the future increments of his pays as provided for in Regulation No.67(f) of State Bank of Hyderabad (Officers) Service Rules, 1979”; and

“Sri K.Chandrasekhar: Reduction to a lower stage in the time scale of pay by three stages for a period of two years with further direction that the officer will not earn increments to pay during the rigor of such reduction and on the expiry of such period the reduction will have effect of postponing the future increments of his pays as provided for in Regulation No.67(f) of State Bank of Hyderabad (Officers) Service Rules, 1979”

While the said Branch Managers who are co-delinquents were let off with a mere reduction of time scale of pay, the petitioner was imposed the major penalty of “Removal from Service” under Regulation 67(i) of the Regulations. It is distinctly obvious that the petitioner was meted out such a stringent treatment owing to him



being an executive member of the officers' union. This Court is of the firm view that such a prejudicial attitude by the Disciplinary Authority impairs the cause of justice.

It is apparent that the said sanction letters were not prepared by the petitioner, but were pre-printed and consequently signed by the Bank Managers. Therefore, the attitude of the disciplinary authority in treating the petitioner with a differential lens shows bias, and is therefore violative of the principles of natural justice. This Court is of the considered view that the Bank Managers should not succumb to the pressures and clout of unions and associations. Associations are welfare bodies, which are established with the sole purpose of advocating and advancing the employees' rights, and at no cost should they be deemed as external centers of power which influence the business decisions of banks. If such a situation were to arise, then the public would lose faith in the established channels of approaching the bank, which would lend the banking system in jeopardy, and would be a great disservice to the nation.

In view of the foregoing discussion, it is apparent that the punishment imposed on the petitioner is highly disproportionate and disparate with the co-delinquents. Therefore, this Court is of the considered view that it is just and proper to direct the petitioner to make a fresh representation before the respondent authorities to impose any lesser punishment other than that of "dismissal" and "removal from service" in terms of the State Bank of Hyderabad (Officers) Service Regulations, 1979.

Accordingly, the writ petition is disposed of directing the petitioner to make a fresh representation before the respondent authorities for imposing any lesser punishment other than that of "dismissal" and "removal from service" in terms of the State Bank of Hyderabad (Officers) Service Regulations, 1979 within a period of four (04) weeks from the date of receipt of a copy of this order. On such representation being made, the respondent authorities are directed to consider the same and pass appropriate orders in accordance with law, within a period of eight (08) weeks thereafter.



HON'BLE SRI JUSTICE LAXMINARAYANA ALISHETTY

Acts/Rules: Registration Act; Stamps Act; Indian Evidence Act; etc.

Case Details: Asma Mahmood Quadri, W/o Syed Mehamood Quadri **Vs** Zakia Rafath Sultana, W/o Syed Misbha Uddin and 12 others **in** CIVIL REVISION PETITION No.725 of 2023 ([Click here for full Judgment](#))

Date of Judgment: 08.04.2024



Facts: This Civil Revision Petition is filed aggrieved by the docket order, dated 14.02.2023, passed by the II Additional Senior Civil Court, Ranga Reddy District in O.S.No.337 of 2007.

By the impugned order, the trial Court declined to mark the agreement, dated 22.11.1986, executed by the Postal Employees Co-Operative a Construction Society which was validated by the District Registrar, Ranga Reddy District, as exhibit on behalf of defendant No.5, on the ground that sale deed must be compulsorily registered under Section 17 of the Registration Act.

The subject suit was filed seeking to declare the plaintiff as the sole and absolute lawful owner of the suit schedule property and consequently, to direct the defendants, their men, etc., to vacate and hand over the vacant physical possession of the suit schedule property to the plaintiff; for the relief of perpetual injunction restraining the defendants, their employees, men, etc., from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property and for mesne profits.

As per the proviso to Section 49 of Registration Act, collateral purpose implies that content of such a document can be used for purpose other than for which it has been executed or entered into by the parties or for a purpose remote to the main transaction.

Held: In the instant case, the trial Court observed that since the agreement dated 22.11.1986 is unregistered, it is not admissible in evidence and accordingly, declined to mark the said document.

The subject suit was filed by the plaintiff seeking to declare the plaintiff as the sole and absolute lawful owner of the suit schedule property and consequently, to direct the defendants, their men, etc., to vacate and hand over the vacant physical possession of the suit schedule property to the plaintiff. During the course of trial in the said suit, the plaintiff sought to mark the unregistered agreement dated 22.11.1986, which was duly validated by the District Registrar, Ranga Reddy District, by collecting deficit stamp duty.

A purpose would be collateral, if it is other than the one, which the document itself serves. For instance, if the document is a sale deed, any purpose, which is other than the sale, can be treated as collateral.

Also, in **Yellapu Uma Maheswari & Anr. v. Buddha Jagadheeswara Rao & Ors** (2015) 16 SCC 787, the Hon'ble Supreme Court at para 15 held as under:-

"It is well settled that the nomenclature given to the document is not decisive factor, but the nature and substance of the transaction has to be determined with reference



to the terms of the documents and that the admissibility of a document is entirely dependent upon the recitals contained in that document, but not on the basis of the pleadings set up by the party who seeks to introduce the document in question.

A thorough reading of both Exs.B-21 and B-22 makes it very clear that there is relinquishment of right in respect of immovable property through a document which is compulsorily registerable document and if the same is not registered, it becomes an inadmissible document as envisaged under Section 49 of the Registration Act. Hence, Exs.B-21 and B-22 are the documents which squarely fall within the ambit of Section 17(1)(b) of the Registration Act and hence, are compulsorily registerable documents and the same are inadmissible in evidence for the purpose of proving the factum of partition between the parties. We are of the considered opinion that Exs.B-21 and B-22 are not admissible in evidence for the purpose of proving primary purpose of partition.”

Such being the legal position, the unregistered agreement dated 22.11.1986, can be used for collateral purpose other than that of creating, declaring, assigning, limiting or extinguishing a right to the suit schedule property. In other words, the said unregistered document can be used for the collateral purpose to the limited extent of showing possession/nature/character of possession of the plaintiff over the suit schedule property.

In the instant case, the plaintiff sought for eviction of the defendant and to hand over vacant possession of the suit schedule property. Thus, it is evident that as on the date of filing of the suit, the plaintiff was not in possession of the suit schedule property. The document sought to be marked by the plaintiff is an unregistered agreement under which the plaintiff is claiming title, therefore, the said document is registerable under Section 17 of the Registration Act.

Section 49 of the Registration Act reads as under:-

“Effect of non-registration of documents required to be registered.

No document required by Section-17 to be registered shall—

(a) affect any immovable property comprised therein, or

(b) confer any power to adopt, or

(c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered.”

In view of above discussion and analysis, and also in the light of bar under Section 49 of the Registration Act, non-registration of a document, which is required to be registered under Section 17 of the Registration Act, does not confer any power and cannot be received as evidence of any transaction affecting such property or conferring



such power, unless it has been registered. Therefore, the unregistered agreement dated 22.11.1986 cannot be used even for the collateral purpose of proving the possession of the plaintiff in respect of the suit schedule property.

For the foregoing reasons, discussion and the legal position, this Court is of the considered view that the trial Court has not committed any illegality, irregularity or infirmity in declining to admit the unregistered agreement dated 22.11.1986 in evidence.

Accordingly, this Civil Revision Petition is dismissed.



HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

Acts/Rules: Right to Information Act, 2005, Andhra Pradesh (Telangana Area) Alienation of State Lands and Land Revenue Rules, 1975, etc.

Case Details: Sri. T.Harish Rao, S/o. Sri T.Satyanarayana Rao, M.L.A. **Vs** The Government of Andhra Pradesh, General Administration (I and PR-II) Dept. A.P. Secretariat, Rep by Principal Secretary (I and PR), The District Collector, Hyderabad District., The A.P. State Film, T.V. & Theatre Development, Corporation Limited, Hyderabad. Rep by its Managing Director, M/s Anand Cline Services, Rep by its Director, **in** WRIT PETITION No. 28755 OF 2008 ([Click here for full Judgment](#))

Date of Judgment: 29.04.2024

Facts: According to petitioner, he is a Member of Legislative Assembly and has served as a Cabinet Minister during the years 2004-2006 and that he launched agitations of public importance. It is averred that the petitioner takes up the issues which cause loss to public exchequer and issues of gross abuse and misuse of power by officers and persons.

The State Government issued G.O.Ms.No.355, General Administration (I & PR) Department, dated 21.08.2001, directing A.P. State Film, T.V. & Theatre Development Corporation Limited, Hyderabad (hereinafter referred to as 'Corporation') to allot land admeasuring an extent of Acs.5.00 in Survey No.403 of Shaikpet Village, Golconda Taluk, Hyderabad District, at the rate of Rs.8,500/- per acre to the respondent No.4 for the purpose of construction of office, godown for equipment, parking and service facilities for the generator vehicles. By letter dated 21.02.2002, further action in the matter was stopped by the Government. The subject land remained with Government, vide G.O.Ms.No.744, General Administration (I & PR-II) Department, dated 26.12.2008,



earlier instructions issued on 21.02.2002 were withdrawn and respondent No.3 was directed to execute sale deed in favour of respondent No.4. The purpose of allotment in the said G.O., was changed, respondent No.4 was permitted to develop facilities for promotion of film and TV industry, such as dubbing theatres, editing rooms, graphics and animation studios and TV serials, preview theatres, satellite up-linking facilities, staying and resting facilities for film and TV industry employees, artists and technicians etc., and also to provide facilities for production companies coming from all over India and abroad and foreign collaboration productions connected to film, TV and animation software industry etc., in the allotted land. Writ petition is filed challenging G.O.Ms.No.744, dated 26.12.2008 and G.O.Ms. No.355, dated 21.08.2001, on various grounds.

Held: Thus, the Government action has to be just, fair and reasonable and in accordance with the principles of Article 14 of the Constitution of India and while Government can deviate from the route of tenders or public auction for grant of contracts, the deviation must not be arbitrary or discriminatory. The deviation from normal mode of allotment of a land by public auction has to be justified and such a decision must comply with the requirements of Article 14 of the Constitution of India. In the instant case, the Government had formulated a policy to provide incentive to the film industry in Hyderabad so that the film industry which was operating from Chennai could shift to Hyderabad city. The aforesaid policy was framed with an object to promote film industry in Hyderabad and also a source of employment. Under the aforesaid policy, for a specific purpose, the allotment of land has been made to respondent No.4. Thus, in our opinion, the deviation from the normal mode of allotment has been made for a fair and just reason, which complies with the requirements of the Article 14 of the Constitution. Therefore, the order of allotment cannot be said to be in breach of Article 14 of the Constitution of India.

It is trite law that the doctrine of delay and laches applies to the public interest litigation as well. The Supreme Court in **Bombay Dyeing and Manufacturing Company Limited vs. Bombay Environmental Action Group** (2006) 3 SCC 434, in paragraph 341 has held as under:

“341. Delay and laches on the part of the writ petitioners indisputably have a role to play in the matter of grant of reliefs in a writ petition. This Court in a large number of decisions has categorically laid down that where by reason of delay and/or laches on the part of the writ petitioners the parties altered their positions and/or third-party interests have been created, public interest litigations may be summarily dismissed. Delay although may not be the sole ground for dismissing a public interest litigation in some cases and, thus, each case must be considered having regard to the facts and



circumstances obtaining therein, the underlying equitable principles cannot be ignored. As regards applicability of the said principles, public interest litigations are no exceptions. We have heretofore noticed the scope and object of public interest litigation. Delay of such a nature in some cases is considered to be of vital importance. (See Chairman & MD, BPL Ltd. v. S.P. Gururaja [(2003) 8 SCC 567])”

The petitioner herein has challenged the G.O.Ms.No.355, dated 21.08.2001, after a lapse of seven years and no plausible explanation is forthcoming for the delay. Delay indeed is a ground for refusing to exercise discretionary jurisdiction under Article 226 of the Constitution of India. The underlying object of this principle is not to encourage agitation of stale claims and matters which have already been disposed of or settled by Courts. On the ground of delay too, the writ petition is liable to be dismissed.

For the aforesaid reasons, we do not find any merit in the writ petition and the same fails and is hereby dismissed.



HON'BLE SMT. JUSTICE SUJANA KALASIKAM

Acts/Rules: Societies Registration Act, 2001, etc.

Case Details: B.V. N.Satyanarayana Vs S.C.Railway O.B.C.Employees Association (Regd.No.4183/93), Represented by its President, G.Anjaiah Gaud, and others in CIVIL REVISION PETITION NO: 841 OF 2022 ([Click here for full Judgment](#))

Date of Judgment: 24.04.2024

Facts: This revision petition is filed by the revision petitioner who is the 2nd respondent in S.O.P.No.600 of 2018 on the file of XXVII Additional Chief Judge, City Civil Court, Secunderabad, aggrieved by the docket order dated 22.02.2022 passed in S.O.P.No.600 of 2018. The docket order is passed on the Memos dated 09.12.2020 and 30.06.2021 filed by the 1st respondent herein.

Originally S.O.P.No.600 of 2018 was filed under Section 23 of the Societies Registration Act praying to pass a decree declaring the petitioner-Association headed by its President Sri G.Anjaiah Goud and other members mentioned in the list submitted to the Registrar of Societies by the petitioner-Association with the approval of apex body i.e., respondent No.4 for the period 2018 to 2020 vide Association's letter dated 12.08.2018 as elected body of the association; to grant permanent injunction restraining the respondent Nos.1 and 2 from representing themselves as Executive



Body members and/or office bearers of the petitioner's association and from doing any act, deed or thing on behalf of or in the name of the petitioner's-Association; to grant permanent injunction restraining the respondent Nos.1 and 2 from accessing or using any property belonging to the petitioner's association including documents thereof; direct the respondent Nos.1 and 2 to deliver to the CEC of the petitioner's-Association, all such property of the petitioner that are within the possession of the respondents including bank statements and the bank accounts of the petitioner's-Association, records, registers, minutes books etc of the petitioner's-Association and to direct the respondent Nos.1 and 2 not to interfere in the internal matters of the petitioner's Association and to pay costs to the petitioner.

The said S.O.P., was filed by the S.C. Railway O.B.C. Employees Association, represented by its President, stating that in the year 1994, the members of the Railway Employees belonging to OBC Community formed the petitioner-Association and functioning at the Headquarters at Secunderabad and in the year 1998, the members of the Railway Employees belonging to OBC Community formed the All India O B C Railway Employees Federation, New Delhi at Apex level in order to attend to the grievances of members in an efficient manner. It is further stated that as per the orders in Writ Petition (Civil) bearing No.20401 of 2014 of the High Court of Allahabad, the Railway Board has passed an order dated 04.08.2016 stating that the All India OBC Railway Employees Federation is the Apex body and its decision is binding on Zonal OBC Associations and the elected list of Zonal office bearers of Zonal OBC Association should be circulated after approval under the joint signature of President and General Secretary of the Federation. Accordingly, the approved list of office bearers of petitioner-Association was circulated for a period of two years from 29.05.2016 to 28.05.2018 by S.C.Railway. That as per the by-laws of petitioner-Association the out going Body of the Association called for the General body meeting for conducting elections for a period of two years from 2018 to 2020 and as per the decision/Resolution of the General Body Meeting, elections were held on 12.08.2018 in the Zonal Office, Secunderabad. The elected list was approved under the joint signature of President and General Secretary of the Federation.

Held: In the similar situation the Apex Court in J.M.Biswas Vs N.K.Bhattacharjee and others ((2002) 4 Supreme Court Cases 68), in para 10 it is observed as under:

"10. From the narration of facts and the contentions raised on behalf of the parties, it is clear that the dispute raised in the case has lost its relevance due to passage of time and subsequent events which have taken place during the pendency of the litigation. As noted earlier, the dispute in the case relates to election of office-bearers of the South-Eastern Railway Men's Union. The dispute arose at a point of time when both



the appellant and Respondent 1 were members of the said Union. Now both have ceased to be members of the Union. Further, successive elections have been held to elect office-bearers and the office-bearers so elected have been recognized by the management. In the circumstances, continuing this litigation will be like flogging a dead horse. Such litigation, irrespective of the result, will neither benefit the parties in the litigation nor will serve the interest of the Union. Accepting the contentions raised on behalf of Respondent 1 that the successive elections held in the meantime were invalid because he was not permitted to participate in them and to quash all such elections and direct holding of fresh elections under the supervision of the court, will be contrary to democratic functioning of the employees' Union. Furthermore, courts in the present situation of exploding dockets can ill afford to stand (sic spend) time in such an exercise."

Likewise, in the present case also successive elections were conducted and new Body has come into force. As such, the order of the Court below is set aside.

Accordingly, the Civil Revision Petition is allowed setting aside the docket order dated 22.02.2022 in S.O.P.No.600 of 2018 on the file of XXVII Additional Chief Judge, City Civil Court, Secunderabad. Consequently, S.O.P.No.600 of 2018 is dismissed as infructuous.





**Sanctioned strength, working strength, and vacancy position
Of Hon'ble Judges of the High Court for
the State of Telangana as on 30-6-2024**



Hon'ble Judges	Sanctioned Strength	Total Number of Judicial Officers Working	Total Number of Vacancies
Permanent	32	25	7
Additional	10	3	7
Total	42	28	14

Note:

1. Hon'ble Sri Justice Sujoy Paul, Judge of Madhya Pradesh High Court is appointed as Judge of this High Court and assumed charge as such on 26.03.2024 F.N.
2. Hon'ble Sri Justice P. Sam Koshy, Judge of Chhattisgarh High Court is appointed as Judge of this High Court and assumed charge as such on 27.07.2023.
3. Hon'ble Smt. Justice Moushumi Bhattacharya, Judge of Calcutta High Court is appointed as Judge of this High Court and assumed charge as such on 28.03.2024 F.N.

Two Hon'ble Judges viz, Hon'ble Sri Justice J. Sreenivas Rao and Hon'ble Sri Justice Namavarapu Rajeshwar Rao, Addl. Judges of this High Court were appointed as permanent Judges of this High Court and assumed charge as such on 30-04-2024 at 10.00 A.M. in the First Court Hall.

Disclaimer: Above statements are compiled on the basis of figures & Information received from the respective Registry.





Statement of work done in the High Court as on 30-06- 2024



NATURE OF CASES	PENDING AT THE BEGINNING OF THE MONTH I.E., AS ON 30.06.2024	INSTITUTIONS FROM 01.4.2024 TO 30.06.2024	DISPOSALS FROM 01.4.2024 TO 30.06.2024	PENDENCY
(A) ORIGINAL SIDE (CIVIL)	148765	9285	10560	147490
(B) APPELLATE SIDE (CIVIL)	52311	2573	2680	52204
(C) CRIMINAL SIDE	28809	3897	3706	29000

GRAND TOTAL:

GRAND TOTAL OF CIVIL CASES	201076	11858	13240	199694
GRAND TOTAL OF CRIMINAL CASES	28809	3897	3706	29000
GRAND TOTAL OF MAIN CASES	229885	15755	16946	228694



Disclaimer: Above statements are compiled on the basis of figures & Information received from the respective Registry.





**Sanctioned strength, working strength, and vacancy position of
Judicial Officers in the State of Telangana as on 30-06-2024**



S.No	Cadre Strength	Sanctioned Strength	Total Number of Judicial Officers Working	Total Number of Vacancies
1.	District Judges	188	134	54
2.	Senior Civil Judges	155	92	63
3	Junior Civil Judges	276	224	52
TOTAL		619	450	169

DISTRICT JUDGE (ENTRY LEVEL) UNDER DIRECT RECRUITMENT FOR THE YEAR 2023:

District Judge under Direct Recruitment (25% quota) :

The High Court vide its Notification No.541/2024-Rc, Dated :14-05-2024, invited applications for Nine (09) posts of District judge, by Direct Recruitment under 25% quota by fixing the last date for submission of application on 13/06/2024.

Further recruitment process is in progress.

DISTRICT JUDGE (ENTRY LEVEL) UNDER ACCELERATED RECRUITMENT BY TRANSFER FOR THE YEAR 2024:

Notified For the year 2024:

The High Court vide its Notification No.542/2024-Rc, Dated :14-05-2024, invited applications for Twelve (12) posts of District Judge (Entry Level), by transfer through Limited Competitive Examination (Accelerated Recruitment by Transfer) under 10% quota by fixing the last date for submission of application on 13/06/2024.

Further recruitment process is in progress.



CIVIL JUDGES – 2024

Notified For the year 2024 :

As per schedule fixed by the Hon'ble Supreme Court of India in Civil appeal No. 1867 of 2006, the High Court for the State of Telangana had placed a notification on 12-01-2024 notifying 150 vacancies in the cadre of Civil Judge for the recruitment year 2024.

Detailed Notification No. 87/2024-RC, dated 10-04-2024, inviting applications through online for 31 existing clear vacancies under direct recruitment, 15 existing clear vacancies under recruitment by transfer for the year 2024, 90 future/anticipated vacancies under direct recruitment and 14 future vacancies under recruitment by transfer which may likely to rise due to promotions and retirements in the two calendar years 2024 and 2025 in the Telangana State Judicial Service by fixing the last date for submission of online Application as 17-05-2022 and the date for the screening test was fixed as 23-06-2024. Computer based screening test (for shortlisting the candidates) was conducted on 23-06-2024 by using the technical/online services of the Tata Consultancy Services Limited.

Further recruitment process is in progress.





Sanctioned strength, working strength and vacancy position of Ministerial Staff in District Courts as on 30-06-2024



Sanctioned Strength	10214
Working Strength	7364
Vacancies	2850

FILLING UP OF VACANCIES IN THE SUBORDINATE COURTS IN THE STATE OF TELANGANA

The High Court issued Notifications Nos. 1/2023 to 6/2023, dated 02-01-2023 inviting applications through online for filling up of 1471 posts of Court Staff in the State of Telangana by direct recruitment under Telangana Judicial Ministerial & Subordinate Services, for maintaining confidentiality, transparency and to overcome the delay in recruitment process and the last date for submission of applications was fixed as 31-01-2023. The computer based online examinations was conducted in the State of Telangana to the notifications Nos. 1/2023 to 4/2023 from 03-04-2023 to 05-04-2023 in three (03) shifts per day for notified posts under Telangana Judicial Ministerial Services.

Further, OMR based examinations was conducted in the State of Telangana to the notifications Nos. 5/2023 and 6/2023 on 29-04-2023 in two shifts for notified posts under Telangana Judicial Ministerial Services. Further, on 30-06-2023 the High Court declared hall ticket numbers of the provisionally selected candidates in the computer based examination in the categories of Junior Assistant, Field Assistant, Examiner, Record Assistant. On 13-07-2023 the High Court declared hall ticket numbers of the provisionally selected candidates in the category of Process Server. Further, on 20-11-2023, the High Court declared the hall ticket numbers of the provisionally selected candidates in the category of Office Subordinate.

Further Recruitment process is in progress such as certificate verification, verifications of antecedents and issuance of appointment orders to the provisional selected candidates etc.

The High Court has issued Notification Nos.7/2023 to 9/2023, dated 12-05-2023, inviting applications from the eligible candidates through “online”, in



connection with the direct recruitment to the posts of Stenographer Grade-III, Typist and Copyist in the Telangana Judicial Ministerial Service, by utilizing the technical Services of the Tata Consultancy Services .

Further, the High Court conducted the Skill test in Shorthand to the eligible candidates for the posts of Stenographer Grade - III in four (04) shifts per day on 26-10-2023 and 27-10-2023; that out of 388 eligible candidates, 335 candidates were appeared for skill / stenography test conducted on the above said dates and the skill test was conducted for the posts of Typists and Copyists on 10-12-2023. Further, on 18-12-2023, the High Court declared hall ticket numbers of the provisionally selected candidates for the posts of Stenographer Grade-III. on 21-02-2024, the High Court declared hall ticket numbers of the provisionally selected candidates for the posts of Typists and Copyists and the recruitment process is completed.

Notified For the year 2024 :

As directed, the sanctioned strength and the latest vacancy position under direct recruitment were called from all the Unit Heads and furnished vacancies in various categories for taking further action in the matter of direct recruitment to the said posts. Further Recruitment process is in progress.

FILLING UP OF VACANCIES IN THE HIGH COURT FOR THE STATE OF TELANGANA

The High Court issued Notification No. 3/2023 dated 11-01-2023 inviting applications through online for direct recruitment to the posts in terms of the Service Rules of the High Court for the State of Telangana, 2019.

Computer Operator Notification No. 3/2023, dated 11-01-2023

The High Court issued Notification No. 3/2023 dated 11-01-2023, inviting applications for direct recruitment to the posts of Computer Operator in the service of the High Court for the State of Telangana. Further, the High Court scrutinized the applications and prepared the list of eligible and ineligible candidates and placed the same on the website of the High Court on 27-03-2023, fixing the date for Computer based examination on 01-04-2023. Further, conducted the Typing test/Skill test on 10-12-2023 (Sunday) at the Tata Consultancy Services examination centers.

Further Recruitment process is in progress.



Notified For the year 2024 :

As directed, the latest vacancy position under direct recruitment to the posts in terms of the Service Rules of the High Court for the State of Telangana, 2019 were called from the Registrar (Administration), and the same were received from the Registrar (Administration), for taking further action in this matter.

Further Recruitment process is in progress.





District-wise Statement of the Institutions, Disposals and Pendency of Cases from 01-04-2024 TO 30-06-2024



Sl.No	NAME OF THE DISTRICT / UNIT	CIVIL			CRIMINAL		
		INSTITUTION	DISPOSAL	PENDENCY	INSTITUTION	DISPOSAL	PENDENCY
1	ADILABAD	344	278	2,402	1,000	833	6,517
2	KUMURAMBHEEM ASIFABAD	113	104	1,301	1,403	1,276	3,721
3	MANCHERIAL	886	651	5,566	5,067	4,576	11,931
4	NIRMAL	215	154	2,233	2,712	2,875	5,883
5	HYDERABAD - i) CITY CIVIL COURTS	4,647	3,809	54,655	150	131	1,789
6	ii) CITY SMALL CAUSES COURTS	103	36	1,065	0	0	0
7	iii) METROPOLITAN CRIMINAL COURTS	0	0	0	28,414	26,688	1,01,831
8	iv) CBI UNIT	0	0	0	243	282	1,463
9	v) TRIBUNALS	103	175	3,163	4	2	29
10	KARIMNAGAR	781	611	12,484	3,126	1,983	24,107
11	JAGTIAL	421	337	5,552	1,502	1,294	11,427
12	PEDDAPALLY	457	290	6,399	1,489	1,221	11,917
13	RAJANNA SIRCILLA	414	260	4,333	977	671	8,001
14	KHAMMAM	1,165	1,324	13,210	2,835	2,731	20,376
15	BADRADRI KOTHAGUDEM	450	438	3,088	3,096	3,061	16,299
16	MAHABUBNAGAR	581	447	7,500	1,009	934	10,869
17	JOGLAMBA GADWAL	241	220	3,915	1,709	1,743	4,870
18	NAGARKURNOOL	396	407	6,457	1,018	828	7,696
19	NARAYANPET	169	119	2,013	494	519	3,639
20	WANAPARTHY	348	183	4,422	1,414	980	6,338
21	MEDAK	265	263	4,223	1,588	1,015	8,305
22	SANGAREDDY	1,353	940	15,601	2,854	2,176	16,479
23	SIDDIPET	719	620	8,789	4,594	4,403	13,418
24	NALGONDA	1,250	1,022	15,227	4,045	3,517	25,915
25	SURYAPET	1,005	755	8,111	2,814	2,371	17,781
26	YADADRI BHUVANAGIRI	590	273	8,558	3,072	2,887	11,735
27	NIZAMABAD	784	833	9,006	4,228	3,794	14,168
28	KAMAREDDY	530	398	3,933	1,471	1,056	9,428
29	RANGAREDDY	4,324	3,918	46,590	6,668	5,847	65,560
30	MEDCHAL-MALKAJGIRI	2,604	2,385	34,447	4,160	3,377	51,682
31	VIKARABAD	334	250	7,973	767	637	9,179
32	WARANGAL	943	1,048	9,317	2,248	1,843	12,494
33	HANUMAKONDA	2,096	1,678	14,899	2,016	1,791	16,158
34	JANGAON	251	247	5,425	745	656	5,748
35	JAYASHANKAR BHUPALAPALLY	171	194	2,424	561	484	5,928
36	MAHABUBABAD	223	274	3,094	704	583	8,173
37	MULUGU	38	56	893	241	312	2,476
GRAND TOTAL		29,314	24,997	3,38,268	1,00,438	89,377	5,53,330

Disclaimer: Above statements are compiled on the basis of figures & Information received from the respective Registry.





Activities of the Telangana State Legal Services Authority



- The Member Secretary, Telangana State Legal Services Authority has interacted in virtual mode with the Prison Superintendents in the State on 06.04.2024 in compliance with the 'Order Dt: 04.03.2024 in M.A. No. 344/2024 in CrI. A. No. 630/2024 passed by the Hon'ble Apex Court.
- The Member Secretary, Telangana State Legal Services Authority has attended virtual meet conducted by the Member Secretary, NALSA to all the Member Secretary, SLSAs on strengthening the functioning of UTRCs on 08.04.2024.
- The Member Secretary, Telangana State Legal Services Authority has conducted pre review meeting with the Chairpersons and Secretaries of DLSAs on 10.04.2024 and appraised the participants about the role and responsibilities of the DLSAs to strengthen the UTRC process in the State of Telangana.
- As per the directions of the Hon'ble High Court for the State of Telangana in W.P. No. 4434/2022, the Administrative Officer, TSLSA has visited the residence of comatise patient on 19.04.2024 and interacted with family members including maids, nurses about the precautions taken by them for the safety of the comatise patient.
- Hon'ble Sri Justice Sujoy Paul, Judge, High Court for the State of Telangana -cum- Executive Chairman, and Member Secretary, Telangana State Legal Services Authority have interacted with all the Secretaries of DLSAs on 18.05.2024 through virtual mode with regard to the ensuing National Lok Adalat scheduled to be held on 08.06.2024.
- On 08.06.2024, the 2nd National Lok Adalat was successfully conducted throughout the State of Telangana, wherein a total number of 10,33,051 cases were disposed of which includes 5,71,486 pre-litigation cases and 4,61,565 pending cases. An amount of Rs.75.31 crores was awarded as compensation in all the civil matters. The National Legal Services Authority, New Delhi, after considering the disposal of cases in the country and taking into consideration of the cases disposed of by the Telangana State legal Services Authority, NALSA, gave ranking to the States in which, the Telangana State Legal Services Authority was ranked first in the country as per the case disposal percentage.



- On 08-06-2024 Hon'ble Sri Justice Sujoy Paul, Judge, High Court for the State of Telangana -cum- Executive Chairman, Telangana State Legal Services Authority, Hyderabad visited to Metropolitan Criminal Court, Nampally Hyderabad for Inaugural function of National Lok-Adalat.



- As per the directions of the Hon'ble High Court for the State of Telangana in W.P. No. 4434/2022, the Administrative Officer, TSLSA has visited the residence of comatose patient on 24.05.2024 and interacted with family members including maids, nurses about the precautions taken by them for the safety of the comatose patient.
- Hon'ble Sri Justice Alok Aradhe, the Chief Justice, High Court for the State of Telangana and Patron-in-Chief, Telangana State Legal Services Authority has inaugurated the three (3) days Advanced & Capacity Building Training Programme from 28.06.2024 to 30.06.2024, to the Chief, Deputy and Assistant legal Aid Defense Counsels at Telangana State Judicial Academy in the august presence of Hon'ble Sri Justice Sujoy Paul, Judge, High Court for the State of Telangana and Executive Chairman, TSLSA, Hon'ble Sri Justice P. Sam Koshy, Judge, High Court for the State of Telangana & President, Telangana State Judicial Academy, and Hon'ble Sri Justice Abhinand Kumar Shavili, Judge, High Court for the State of Telangana and Chairman, HCLSC, Hon'ble Sri Justice Laxmi Narayana Alishetty, Judge, High Court for the State of Telangana, Registrar General and other Registrars of the High Court for the State of Telangana. Resource Persons Sri M. Rajender, Director, Telangana State Judicial Academy, Sri N. Venkatram, Deputy Director, Telangana State Judicial academy, Sri K. Ravinder Reddy, Advocate, Sri Murali Karanam, Prof. NALSAR University of Law, Sri Venkata Mallik, Administrative Officer.





- On 03.06.2024, the Hon'ble Executive Chairman, TSLSA has interacted virtually with all the Prl. District Judges and Chairpersons of DLSAs, DGP Telangana, Commissioner of Police, Hyderabad, Cyberabad and Rachakoda, Director of Prosecutions in connection with National Lok Adalat.
- A meeting held was on 10.06.2024 in the High Court on Special Lok Adalat in the august presence of Hon'ble Executive Chairman, TSLSA, Officials from different departments of the State Government have attended the meet.
- As per the directions of the Hon'ble Executive Chairman, TSLSA, the Member Secretary and the Administrative Officer, TSLSA have conducted meeting with different Community Members / NGO's on 14.06.2024 in the office of Telangana on promoting Community Mediation in the State.
- The Member Secretary and Administrative Officer, TSLSA have visited the Observation Home for Boys, Saidabad, Hyderabad on 15.06.2024 and observing the facilities provided to the inmates at the Home.
- On 19.06.2024, as per the directions of the Hon'ble Supreme Court of India, the Hon'ble High Court for the State of Telangana has conducted a meeting through Video Conferencing with regard to conduct of Supreme Court Special Lok Adalat.



- The Member Secretary has interacted with the Print & Electronic Media on 19.06.2024 on the subject of Supreme Court Special Lok Adalat scheduled to be held from 29.07.2024 to 03.08.2024 and also for making extensive publicity for availing the services of Special Supreme Court Lok Adalat.
- As per the directions of the Hon'ble High Court, International Yoga Day was observed in the office of TLSA under the supervision of Member Secretary & Administrative Officer and Staff have actively participated and performed various yogasanas On 21.06.2024.
- The Member Secretary and Administrative Officer, TLSA have visited the Special Home for Girls, Nimoliadd, Hyderabad on 22.06.2024 and observed the facilities provided to the inmates of Spl. Home.

Activities of District Legal Services Authorities

“World Health day” on 07.04.2024 :

All the Legal Services Institutions in the State of Telangana have observed World Health Day on 07.04.2024 and conducted several Health Camps in coordination with the Medical & Health Department. Fruits and biscuits were also distributed to the patients during the programme.

- a) On 06.04.2024 the DLSA, Karimnagar has organized an awareness camp-cum-Medical Camp in coordination with the Medical & Health Department at Govt. Residential School for Deaf & Dumb, Karimnagar, The Deputy Legal Aid Defence Counsel, DM & HO, Karimnagar, Principal of School, were part of the programme. The camp aimed at raising awareness about on the Schemes NALSA (Child Friendly Legal Services to the Children and their protection) Scheme, 2015 and NALSA (Legal Services for differently-abled children) Scheme, 2021, in view “World Health day” on 07.04.2024.
- b) The Chairman, Mandal Legal Services Committee, Manthani conducted Legal Awareness Camp on 06.04.2024 at Court premises. The Chairman, MLSC, Manthani is the main Speaker. The President and Members of Bar Association have participates. The camp aimed at raising awareness about World Health Day.



- c) The District Legal Services Authority, Kamareddy has conducted Legal Awareness Programme and Blood Donation Camp in association with Red Cross Society Kamareddy and Government General Hospital Kamareddy. The Chairperson, District Collector Kamareddy have attended the programme as chief guests. In the said occasion, the Prl. District Judge & Chairperson spoke about the importance of blood donation to the anemia victims and distributed the fruits & juice to the blood donors and also congratulated blood donors for participating in this Noble cause.

Dr. B.R. Ambedkar Jayanthi” on 14.04.2024:

On 14.04.2024, all the Legal Services Institutions in the State of Telangana have observed Dr. B.R. Ambedkar Jayanthi by conducting several Legal Awareness camps and enlightened the public on Fundamental Rights and Duties as envisaged under “Constitution of India”, Free Legal Aid and other Legal Services Programmes and Activities.

Labour Day” on 01.05.2024 :

On 01.05.2024 all the District Legal Services Authorities in the State of Telangana have observed International Labour Day, conducted several Legal Awareness Camps at work places, enlightened the workers about their rights, the schemes introduced by the Government and NALSA (Legal Services to the workers in Unorganized Sector) Scheme, 2015.

- a) The Chairman, District Legal Services Authority, Peddapalli conducted Legal Awareness Camp on the occasion of Observation of May Day on 01.05.2024 at Rail Nilayam, Peddapalli. The Chairman, DLSA, Peddapalli is the main Speaker. The President and Members of Railway Hamali and Godown Hamali were present. The President and Members of Bar Association have participated in the camp, aimed at raising awareness about May Day.
- b) The Secretary, DLSA Rangareddy has conducted Legal Awareness program in line with “International Labour/May Day” at Ankitha NGO’s association and distributed Labour cards to the Labours, explained about Labour Laws. MEO Hayathnagar, NGO’s, Labours participated in this program.



- On 18-05-2024, Legal Awareness programme was organised on NALSA (Legal Services to Senior Citizens) Scheme, 2016 at Amma nanna vruddalayam, Nenu saitham Organization, Manuguru.



“LEGAL AWARENESS PROGRAMME”
at MQ Function Palace, Rajendra Nagar, Hyd., on Monday, 20th May 2024.

Chief Guest: **Smt. P. Aruna Kumari,**
Hon'ble Senior Civil Judge-cum-Secretary,
Metropolitan Legal Services Authority,
II Addl., Chief Metropolitan Magistrate,
Metropolitan Criminal Courts, Nampally, Hyd., T.G



Organized By: “Caring Hands Charitable Trust”
www.caringhands.in info@caringhands.in



- On 27-05-2024 Visited to Central Prison for Men Chanchalguda, Hyderabad and conducted Legal Awareness Camp on the topic of NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme 2015.



- On 22-05-2024, Conducted Sensitization Programme with Para Legal Volunteers at MLSA, Meeting Hall.



- On 25-05-2024 Conducted meeting with Police Officials for more number of disposal in Upcoming National Lok-Adalat.



- On 29-05-2024 Visited to Government Observation for Girls at Nimboliadda, Hyderabad and conducted Legal Awareness Programme on the topic of NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.



World Environment Day” on 05.06.2024 :

As per the Calendar of Activities, all the District Legal Services Authorities in the State of Telangana have observed World Environment Day on 05.06.2024. During the campaign, wide publicity was given on the importance of protection of environment. Advocates, PLVs, Law Students and general public have participated enthusiastically in the programmes.

World Day against Child Labour on 12.06.2024:

As part of the Calendar of Activities, on 12.06.2024, a massive campaign was conducted on the occasion of “World Day against Child Labour” throughout the State. All the District Legal Services Authorities have conducted Awareness Camps and enlightened the public about providing opportunities to the girl child, educating the people about the health and nutrition of the girl child, providing equal rights to them, importance of prohibition of child marriages and presentation of Child Labour etc.

- The Member Secretary and Administrative Officer, TSLSA have visited the Observation Home for Boys, Saidabad, Hyderabad on 15.06.2024 for observing the facilities provided to the inmates at the Home.



International Yoga Day, 2024” on 21.06.2024

All the District Legal Services Authorities in the State of Telangana have observed “International Yoga Day, 2024” on 21.06.2024 conducted various programmes and created awareness. Judicial Officers, Staff Members, PLVs and Advocates etc. were enlightened about the health benefits of practicing yoga in daily life.

- The Member Secretary and Administrative Officer, TSLSA have visited the Special Home for Girls, Nimoliadd, Hyderabad on **22.06.2024** and observed the facilities provided to the inmates of Spl. Home.

International Day against Drug Abuse & illicit Trafficking on 26.06.2024:-

As part of the Calendar of Activities, on 26.06.2024 a massive campaign was conducted throughout the State on the occasion of “International Day against Drug Abuse & illicit Trafficking” and created awareness on the subject.

- a) The Secretary, MLSA, Hyderabad has conducted Legal Awareness Programme and Rally on the topic of NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme 2015 at Government High School, Co-Education, Malakpet, Hyderabad.
- b) On 26.06.2024, on observation of International Day against Drug abuse and Illicit trafficking, the the Secretary, CCCLSA, Hyderabad in coordination with Dharma Seva Trustee conducted a webinar programme to all Educational departments of Telangana and other 50 Stake Holders and created awareness, empowerment on prevention of Drugs and Illicit trafficking and also played the recorded video messages of Hon’ble Sri Justice R. Subhash Reddy, (Retd) Judge of Supreme Court of India, other Dignitaries.

SUCCESS STORIES :

(a). A PLC filed by a father (Sr. Citizen) against his son for payment of Monthly Maintenance of Rs. 3000/- before City Civil Court Legal Services Authority, Hyderabad. The secretary counselled the parties and Petitioner’s son has agreed to pay monthly maintenance of Rs. 3000/- to his father.

Thus, with the intervention of CCCLSA, Hyderabad, the matter was amicably settled.



(b). Another PLC filed by a Senior Citizen and his son for seeking time for payment of rent arrears amount of Rs. 1,78,000/- to the house owner. The Matter was registered as CPLC No. 42/2024, before the City Civil Court Legal Services Authority, Hyderabad. The secretary, CCCLSA, Hyderabad, amicably settled the issue between the parties as per the terms of compromise entered between them.

(c). CPLC NO. 46/2024: With the intervention of CCCLSA, Hyderabad an ancestral property dispute with regard to share of land, Gold and Money between brothers and sisters was settled amicably as per the terms of compromise entered between them.

(d). Success in redressal in the grievance of widow Lady:

One widow belongs to Kamareddy District roaming around Labour office, Hyderabad from the six months for uploading the labour card of her late husband had approached the CCCLSA. The CCCLSA deputed Smt. Saroja, a PLV for assisting her and PLV went to labour office, Hyderabad along with the applicant and explained her problem to the officials & convinced them.

Due to the intervention of the CCCLSA, the Labour Department responded & Uploaded/Activated the labour card of her Late husband, for which she expressed her gratitude to the Authority.

(e). A Pre-litigation matter between the siblings i.e. Sister and her Young Brother for Recovery of Money of Rs. 16,57,000/- was settled amicably before the City Civil Court Legal Services Authority, Hyderabad.

(f). News item published in the Eenadu News Paper on 09-06.2024 under the caption “Ee Aadharam Ledhu”. Wherein it is repeated that Sri. Nagula (Kurma) Gangaiah, Aged about 70 years, R/o Baswapoor village of Bhiknoor mandal, District Kamareddy has no wife and children. He is eeking livelihood as Shepherd and also begging. He has no Aadhar card for early benefits of Government schemes like pension, etc.

As per the directions of the Chairman, DLSA Kamareddy, the Mandal Revenue Officer and other Government officials has issued Residence Certificate, Aadhar Card to the old man, new clothes and rice was also given to him.

(g). A News item published in the Eenadu News Paper on 11-06.2024 under the caption as “Roddu Dhatalante Hadale”. As per the news item, on the National highway No. 44 in the suburb of sadashivanagar mandal Kamareddy district, thousands of vehicles ply on the road. The students of Mahathma Gandhi Jyothi Bapule School, Social Welfare Girls Junior College, Government Junior College, Models Schools Students are afraid to cross the road due to heavy traffic.



The DLSA Kamareddy arranged meetings with the concerned authorities and to requested the concerned authorities to take immediate measures to prevent the students from falling pray to road accidents. The students were informed about the protective measures taken by the authorities to avoid difficulties while crossing the road and the Authorities concerned are also suggested to work and mark the danger spots as black spots and alert the highway patrolling staff to set up the boards wherever required.

REGULAR LOK ADALATS:

In the Regular Lok Adalats, conducted during the months of April, May and June, 2024, 9462 cases were settled, out of which 2407 are Pre Litigation cases and 7055 are pending cases by awarding an amount of Rs. 28,53,66,455/-.

National Lok Adalat on 26.06.2024 :

On 08.06.2024, National Lok Adalat was successfully conducted throughout the State of Telangana. A total number of 10,33,051 cases (i.e. 5,71,486 pre-litigation and 4,61,565 pending litigation) cases were disposed of and an amount of Rs. 75.31 crores was awarded as compensation.

LEGAL AID BENEFICIARIES:

During the quarterly period from April to June, 2024, (937) Panel Advocates were appointed by the Legal Services Institutions to the needy persons for providing legal aid and (2977) persons were rendered legal advice.





HIGH COURT LEGAL SERVICES COMMITTEE FOR THE STATE OF TELANGANA



Statistical information in respect of Lok Adalats conducted and cases settled during the period From April, 2024 to June, 2024

Sl. No.	Month & Year	Date of Lok Adalat	No. of Pre-Litigation Cases Taken up	No. of Pre-Litigation Cases Settled	PLC Cases Settled Amount (Rs/-)	No. of Pending Cases Taken up	No. of pending Cases Settled	Pending Cases Settled Amount (Rs/-)	Total Amount (PLC + Pending) (Rs/-)
1.	April, 2024	-	-	-	-	-	-	-	-
2.	May, 2024	-	-	-	-	-	-	-	-
3.	June, 2024	08-06-2024 (National Lok Adalat)	37	31	3,60,26,965/-	201	101	6,63,29,831/-	10,23,56,796/-
Total:			37	31	3,60,26,965/-	201	101	6,63,29,831/-	10,23,56,796/-

Statistical information in respect of Legal Aid provided during the period From April, 2024 to June, 2024

Sl.No.	Month	SC	ST	Women	General	In custody	Persons with Disability	Allotments (As [per the Hon'ble High Court order without compliance of eligibility criterial U/s 12 of LSA Act)	Re-Allotments	Advice Counselling	Total
1.	April, 2024	6	5	13	4	9	3	1	3	78	112
2.	May, 2024	1	-	7	2	5	-	-	-	39	54
3.	June, 2024	1	2	4	5	13	-	-	2	130	157
Total :		8	1	24	11	27	3	1	5	247	333



***Statistical information in respect of Identification of parties in Criminal
Petitions/Writ Petitions/Criminal Revision Cases etc., during
the period From April, 2024 to June, 2024***

Sl.No.	Month	CrI.P	CrI.A	CrI.RC	C.R.P	A.S	W.P	Total
1.	April, 2024	59	--	1	--	--	1	61
2.	May, 2024	17	--	--	--	--	1	18
3.	June, 2024	27	--	--	--	--	--	27
Total :		103	--	1	--	--	2	106





Telangana State Judicial Academy - Important Events



Brief Outline of trainings, programs, workshop and events conducted at TSJA:

During the period from 01.04.2024 to 30.06.2024, The Telangana State Judicial Academy has conducted various training programmes to the Judges of District Judiciary. The programmes during the period include **III Foundation Course** for newly appointed 3 District and Sessions Judges (Entry Level) from 6.04.2024 onwards (Spell-I), **IV Basic Course** for newly appointed 7 Junior Civil Judges from 06.05.2024 onwards and **II Basic Course (4th Spell) for 39 JCs at District Headquarters and Final Reflective Training at the Academy**. The academy has also conducted Training Programmes on 'Three New Criminal Laws 2023' for various stake holders viz., Judicial Officers of all Cadres, advocates from various bar associations from the State of Telangana. Special sessions on 'Judicial Ethics' and 'Vulnerable witness Deposition Centers' were conducted to the judicial officers.

Speakers:

The participants of various training programs have gained from the lectures and interactions from distinguished speakers such as Hon'ble Sri Justice Sujoy Paul, Judge, High Court for the state of Telangana, Hon'ble Sri Justice P.Sam Koshy, Judge, High Court for the State of Telangana and President, Telangana State Judicial Academy, Hon'ble Sri Justice B.Vijaysen Reddy, Judge, High Court for the State of Telangana & Member, Board of Governors, Telangana State Judicial Academy, Hon'ble Sri Justice B.Prakash Rao, Hon'ble Sri Justice G.V.Seethapathy, Hon'ble Sri Justice B.Seshasayana Reddy, Hon'ble Sri Justice C.Praveen Kumar, Hon'ble Sri Justice M.Seetharama Murti, Former Judges, High Court of A.P, Honble Justice G Sridevi, Former Judge, High Court of Telangana have addressed the participants on various topics.



Trainings and Events:

The III Foundation Course for newly appointed 3 District and Sessions Judges (Entry Level) from 6.04.2024 onwards (Spell-I) **and** Training Programme on 'Three New Criminal Laws 2023' for judicial officers of all cadres was inaugurated on 06.04.2024 by Hon'ble Sri Justice P.Sam Koshy, Judge, High Court of Telangana & President, Telangana State Judicial Academy in the august presence of Hon'ble Sri Justice T.Vinod Kumar, Hon'ble Sri Justice K.Lakshman, Hon'ble Sri Justice B.Vijaysen Reddy, Judges, High Court for the State of Telangana & Members, Board of Governors, Telangana State Judicial Academy.



The Course curriculum included legal aspects relating to Civil, Criminal and allied laws with emphasis on writing of Judgments and orders and also group activities on various subjects which the newly appointed District Judges would be dealing on regular basis.

The sessions on various subjects were addressed by Hon'ble Sri Justice Sujoy Paul, Judge, High Court for the State of Telangana, Hon'ble Sri Justice B Vijaysen Reddy, Judge, High Court for the State of Telangana & Member, Board of Governors, Telangana State Judicial Academy. The officers also benefited from the interactions with Hon'ble



Sri Justice G.V. Seethapathy, former Judge, High Court of A.P, Hon'ble Dr. Justice B.Seshayana Reddy, Hon'ble Sri Justice M.Seetharama Murthi, former Judge, High Court of A.P and Hon'ble Sri Justice C.Praveen Kumar, former Judge, High Court of A.P.

The first spell of IV Basic Course for newly appointed 07 Junior Civil Judges

The first spell of IV Basic Course for newly appointed 07 Junior Civil Judges commenced from 06.05.2024 and was inaugurated by Hon'ble Sri Justice P.Sam Koshy, Judge, High Court of Telangana & President, Telangana State Judicial Academy in the august presence of Hon'ble Sri Justice T. Vinod Kumar, , Hon'ble Sri Justice B.Vijaysen Reddy, Judges, High Court for the State of Telangana and Members, Board of Governors, Telangana State Judicial Academy.



The Course curriculum included legal aspects relating to Civil and Criminal laws and practical sessions on writing various judgments, interlocutory orders and criminal petitions.



Hon'ble Sri Justice Sujoy Paul, Judge, High Court of Telangana had taken joint session for District Judges of III Foundation Course and for Junior Civil Judges of IV Basic Course on the topic "Attributes of Judge".

Hon'ble Sri Justice B.Vijaysen Reddy, Judge, High Court for the State of Telangana and Member, Board of Governors, Telangana State Judicial Academy, had also taken a joint session for District Judges of III Foundation Course and for Junior Civil Judges of IV Basic Course on the topic "Cannons of Judicial Ethics".

The trainee judges have also benefited from the sessions of Various other eminent speakers who have dealt with various subjects.

The II Basic Course (4th Spell) to 39 JCs, who have put in 3 years of experience at bar

The II Basic Course (4th Spell) to 39 JCs, who have put in 3 years of experience at bar were given Practical Training for a period of two months i.e., from 01.04.2024 to 06.06.2024 at the District Headquarters (Erstwhile Unified District Headquarters) and Final Reflective Training for a period of two months at the Academy i.e., from 07.06.2024 to 06.08.2024.

The final reflective training to the officers of II Basic Course was a combination of free flowing interaction on topics which the officers faced difficulties while holding the bench, and giving personal feed back to the officers on the areas of improvement.

The training module was also designed to include the New Laws that came into force from 1st July 2024, where each of the officer was assigned a topic individually to present in the class and these presentations by each of the officer and the feedback that followed have given the officers a basic understanding of the new laws and the new provisions included in them.



Training programs on the Three New Laws

The Academy has conducted series of Training Programme on '**Three New Criminal Laws 2023**' to different target groups.

The training for District Judges, Senior Civil Judges and Junior Civil Judges of the State on newly enacted three new criminal laws at the judicial academy. The training for Senior Civil Judges was taken by the Director & Deputy Director of the academy and eminent resource persons from NALSAR were also invited to talk on various topic.



The training for District Judges took place on 15.06.2024 & 16.06.2024 at the Academy and the session on BNSS was taken up by Mr. Chandru, Advocate, practicing before the High Court of Madras and the sessions on Bharatiya Nyaya Sanhita (BNS) was taken by Dr.M.Rajender, Director, TSJA, Prof. V.keshava Rao, NALSAR interacted with the officers on the changes brought in Bharatiya Sakshya Adhiniyam (BSA). This two day session was attended by the officers of the State online and approximately 400 Judicial Officers attended the above said training program (Both Online and Offline mode).

Three New Criminal Laws 2023

The Academy has also imparted training on '**Three New Criminal Laws 2023**' for more than 400 Advocates from different bar associations practicing in the State of Telangana, at RBVRR, Telangana State Police Academy on 22.06.2024 & 23.06.2024.



The Director and Deputy Director of the Academy, Dr.M.Rajender and Sri N. Venkat Ram have taken sessions on Bharatiya Nagarik Suraksha Sanhita (BNSS). The session on BNS was taken by Sri M. Venkateswara Rao, XXVI Additional Chief Judge, City Civil Court, Hyderabad and the session on BSA was addressed by Dr.Hemangani Sharma, Assistant Professor, NALSAR University of law.

'Creation/Conversion of existing Court room into Vulnerable Witness Court'

The Academy under the directions and in collaboration with Hon'ble High Court has conducted training program on **'Creation/Conversion of existing Court room into Vulnerable Witness Court'** on 09.06.2024. The introductory remarks were made by Hon'ble Justice Moushumi Bhattacharya, Judge High Court for the State of Telangana, the session then was presided over by **Hon'ble Justice Gita Mittal, Chairperson, Vulnerable Witness Committee**, (Former Chief Justice, High Court of Jammu and Kashmir).

A total of 208 Judicial officers working in the Unit of City Civil Court, City Small Causes Court, Metropolitan Sessions Court, CBI Court at Hyderabad and Ranga Reddy at L.B.Nagar and Medchal-Malkajgiri districts and the trainee officers have attended the session at the Academy, all other Judicial officers of the State have participated in the programme by **virtual mode**.

Accessible Court Documents

The Academy has conducted ECT_9_2024 Refresher Training Programme on **'Accessible Court Documents'** at Telangana State Judicial Academy, to one System Administrator and one Technical Staff (Typist or Stenographer) from each of the district on 27.04.2024. A total number of 74 members have participated in this Refresher Training Programme. The Master Trainer for this program was Sri D.Kiran Kumar,



Prl.Senior Civil Judge-cum-Assistant Sessions Judge, Medchal-Malkajgiri District at Malkajgiri.

Digitization at High Court

As part of the e-Courts Capacity Building program for Phase-III, the academy has conducted ECT_6_2024 Training Programme on '**Digitization at High Court**' for High Court Digitization staff on **29.06.2024** (Saturday) from 02.00pm to 05.00pm at the Hon'ble High Court for the State of Telangana. The Master Trainer for this session is Sri T.Venkateshwar Rao, Registrar (Protocol), High Court for the State of Telangana. A total of 22 staff members have participated in the said Programme.





District Courts' events



Inauguration of Five Court Building at Nalgonda on 21-04-2024



The Hon'ble Sri Justice Alok Aradhe, the Chief Justice, High Court for the State of Telangana, along with the Hon'ble Sri Justice T.Vinod Kumar, Hon'ble Sri Justice K.Lakshman, Hon'ble Sri Justice B.Vijaysen Reddy, Judges of High Court for the State of Telangana, inaugurated Five Court Building in the Nalgonda District. This auspicious occasion was coordinated by the Prl District Judge, Nalgonda and other Judges of the district Judiciary of Nalgonda, with the assistance of the staff members of Nalgonda Unit.



Programmes held in Vikarabad District



On 18.05.2024 conducted a Legal Awareness Camp at Athavally Village of Vikarabad Mandal by creating awareness among the villagers relating to various laws and legal aspects concerning them.

- On 18.05.2024 visited the Sub Jail, Pargi to ascertain the prison environment and to identify the issues concerning the welfare, food, health and hygiene of the prisoners and to educate them to lead disciplined life after their release.



On 05.06.2024, conducted plantation programme in the premises of the District Court complex on the occasion of "World Environment Day".

- On 21.06.2024 conducted Yoga camp at District Court complex on the occasion of "National Yoga Day".

