IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 256 OF 2025

Writ Appeal under clause 15 of the Letters Patent against the order dated 11/12/2024 in W P No 34798 of 2024 on the file of the High Court.

Between:

Narsagouni Lakshmi, W/o Late Durga Goud, Aged about 46 years, Occ. Agriculture, R/o H. No. 2069, Rajipet Village, Havelighanpur Mandal, Medak District

...APPELLANT

AND

1. State of Telangana, Revenue Department, Secretariat, Hyderabad Represented by the Principal Secretary (Land Revenue)
2. District Collector, Medak District
3. Superintendent of Police, Medak District.
4. Revenue Divisional Officer, Medak
5. Divisional Panchayat Officer, Medak
6. Panchayat Secretary, Grampanchayath, Rajpet, Havelighanpur Mandal, Medak District
7. Narsagouni Mangamma, w/o Sidda Goud R/o Rajipet Village, Havelighanpur Mandal, Medak District
8. Narsagouni Venka Goud, S/o Ramkista Goud R/o Rajipet Village, Havelighanpur Mandal, Medak District
9. Narsagouni Yada Goud, S/o Ramkista Goud R/o Rajipet Village, Havelighanpur Mandal, Medak District
10. Narsogouoni Bucha Goud, S/o Ramkista Goud R/o Rajipet Village, Havelighanpur Mandal, Medak District
11. Koninti Pedda Satya Goud, S/o Koninti Ramkista Goud R/o Rajipet Village, Havelighanpur Mandal, Medak District

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To direct the official respondents to take appropriate action and steps to remove the unauthorized constructions/structures in the lands of the petitioner in survey No. 570/17EE in Rajipet Village of Havelighanpur Mandal, Medak District, by suspending the operation of judgment/orders in Writ Petition No. 34798 of 2024 dated 11.12.2024.

Counsel for the Appellant : SRI D.LINGA RAO

Counsel for the Respondents No.1,2&4 : GP FOR REVENUE

Counsel for the Respondents No.3 : GP FOR HOME

Counsel for the Respondents No.5 : GP FOR PANCHAYAT RAJ

Counsel for the Respondents No.6 : SRI K.PRADEEP REDDY, SC FOR ZP

The Court made the following: JUDGMENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.256 of 2025

ORDER: *(Per Hon'ble The Acting Chief Justice)*

Sri D. Linga Rao, learned counsel for the appellant, Ms. Shazia Parveen, learned Government Pleader for Panchayat Raj for respondent No.5 and Sri K. Pradeep Reddy, learned Standing Counsel for Zilla Parishad for respondent No.6.

2. This appeal takes exception to the order of learned single Judge in W.P.No.34798 of 2024, dated 11.12.2024.

3. The appellant/writ petitioner prayed for following relief in the Writ Petition:

> "...to issue Writ or Order or direction more particularly one in the nature of a Writ of MANDAMUS to declare the inaction of the official respondents on the complaints made by the petitioner vide her letters dated 25.01.2024, 07.02.2024 and 18.11.2024 regarding unauthorised construction of structures in the lands of the petitioner in Sy.No.570/17EE in Rajipet Village of Havelighanpur Mandal, Medak District as illegal, arbitrary and unjustified violative of Art. 14, 19 and 21 of the Constitution of India and to issue directions to the official respondents to restrain the private respondents Nos.7 to 11 in erecting structures in the land owned by the petitioner in Sy.No. 570/17EE in Rajipet Village of Havelighanpur Mandal, Medak District and from interfering in the peaceful possession and enjoyment of the partition scheduled land..."
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> (Emphasis Supplied)

4. The said relief was not granted by the learned single Judge mainly on the ground that the appellant has already instituted a civil suit vide O.S.No.392 of 2023 on the file of the Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Medak (for short, trial Court) against unofficial respondents (respondent Nos.7 to 11). In the said civil suit, the trial Court, on 12.01.2024, directed the parties to maintain *status-quo* in respect of the suit schedule property. The grievance of the writ petitioner is that the unofficial respondents interfered with her peaceful possession and raised construction against which she preferred number of representations which should have been decided by the official respondents. Learned single judge opined that once civil suit is pending and the writ petitioner is enjoying order of *status quo*, no directions are required to be issued to the official respondents regarding erection of structure by the unofficial respondents over the subject property.

5. Learned counsel for the appellant/writ petitioner, placed reliance on the judgments of the Apex Court in **Bilkis Yakub Rasool v. Union of India**[1], **M/s Radha Krishan Industries v.**

[1] W.P.(Crl.) No.491 of 2022.

State of Himachal Pradesh[2], **Ratilal Jhaverbhai Parmar v. State of Gujarat**[3], **State of Uttarakhand v. Mayan Pal Singh Verma**[4], **Board of Trustees of Martyrs Memorial Trust v. Union of India**[5], **P.K.Ghosh v. J.G. Rajput**[6] and **M/s. Kranti Associates Pvt. Ltd. v. Sh. Masood Ahmed Khan**[7] and urged that the right to property is flowing from Article 300A of the Constitution. The appellant is a widow. Though the official respondents herein are not parties to the said civil suit, they are under obligation to decide the pending representations of the appellant. The learned single Judge erred in not issuing necessary directions to the official respondents.

6. No other point is pressed by learned counsel for the parties.

7. During the course of hearing, this Court raised two queries. *Firstly*, when admittedly the appellant is enjoying the protection of '*status-quo*' order in the pending suit filed by her, why she cannot avail the remedy under the civil law for breach of *status-quo* order. *Secondly*, whether there exists an enabling provision for preferring an application for the present grievance, and in turn, the official

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[2] (2021) 3 SCR 406.
[3] Civil Appeal No.11000 of 2024, decided on 21.10.2024.
[4] (2002) 13 SCC 189.
[5] Civil Appeal No.4444 of 2010, decided on 04.10.2012.
[6] AIR 1996 SC 513.
[7] (2010) 10 SCR 1070.

respondents are under any statutory obligation to take a decision on her representations. Sadly, our repeated queries went in vain and learned counsel for the appellant did not answer the same.

8. The endeavour of Courts, in our opinion, should be to avoid multiplicity of litigation, more-so, when it is on different fora. The appellant's civil suit is already pending and, if the unofficial respondents are acting contrary to the order of *status-quo*, the appellant is not remediless and can avail efficacious remedy under civil law. Thus, in our opinion, the learned single Judge has taken a plausible view for not issuing directions for deciding representations by the official respondents.

9. Furthermore, as noticed above, the appellant has not pointed out any statutory provision from any statute which enables the appellant to file such representations and, in turn, makes it obligatory for the official respondents to decide the same. In absence of establishing the aforesaid, no Writ of Mandamus/direction can be issued (see **Director of Settlements, A.P. v. M.R. Apparao**[8], **Bhartiya Kishan Sangh District Bhind v. Union of India**[9], **Municipal Corpn. of Greater Mumbai v.**

[8] (2002) 4 SCC 638
[9] (2007) 4 MPLJ 548 (12)

Rafiqunnisa M.Khalifa[10] and **Indore Development Authority & Anr. V. Sansar Publication Pvt. Ltd.**[11]).

10. So far judgments cited by the learned counsel for the appellant are concerned, in those cases the Courts have not issued directions for initiation of parallel proceedings.

11. Pertinently, in the case of **Bilkis Yakub Rasool** (supra), the Apex Court opined that rule of law means, wherever and whenever the State fails to perform *its duties*, the Court would step in to ensure that the rule of law prevails over the abuse of the process of law.

12. Sadly, the learned counsel for the appellant despite repeated queries did not point out any statutory provision which makes it obligatory for the official respondents to entertain and decide the representations of the appellant.

13. As noticed above, in our view, the learned single Judge has taken a plausible view which does not warrant any interference by

[10] (2019) 5 SCC 119
[11] ILR 2019 MP 742 (DB)

this Court (see **The Management of Narendra & Company Pvt. Ltd. v. The Workmen of Narendra & Company**[12]).

14. Resultantly, the appeal *sans* substance and is hereby **dismissed**. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/-I. NAGA LAKSHMI
DEPUTY REGISTRAR

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SECTION OFFICER

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3. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CCs to GP FOR PANCHAYAT RAJ, High Court for the State of Telangana at Hyderabad. [OUT]
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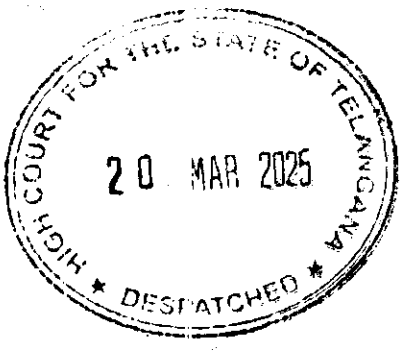
[12] (2016) 3 SCC 340

HIGH COURT

DATED:04/03/2025

JUDGMENT

WA.No.256 of 2025



DISMISSING THE WRIT APPEAL WITHOUT COSTS

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S.S
17/3/25