HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NO: 206 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated14/10/2024 Passed in WP No 9171 of 2023 on the file of the High Court.

Between:

Smt Nusrath Begum, W/o Md Rafeeq aged about 40 years, R/o H.no. 1-36/1/12/1/252/86, Bhavanipura, W.S. Colony, Srilingampally Mandal, RR District.

...APPELLANT

AND

1. The State of Telangana, through its Principal Secretary Municipal Administration, having office at T.S. Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, having office at Tank Bund, Hyderabad.
3. The Zonal Commissioner, GHMC, Chanda Nagar Circle-21, having office at Serilingampally Municipal Office, RR District.
4. The Tahsildar, Serilingampally Mandal, RR District.

...RESPONDENTS

IA NO: 3 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 pass an interim direction thereby directing the Respondent No.3 not to proceed with any landscaping work over the entrance passage of the petitioner's house bearing No.1-36/1/12/1/252/86, Weaker Section Colony, Serilingampally Mandal, Ranga Reddy District.

Counsel for the Appellant: SRI MOHAMMAD ADNAN

Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2 & 3: SRI G.MADHUSUDHAN REDDY, SC FOR GHMC

Counsel for the Respondent No.4: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

The Court delivered the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.206 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri Mohammed Adnan, learned counsel for the appellant; Sri G. Madhusudhan Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation, for respondent Nos.2 and 3 and Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue, for respondent No.4.

2. Heard on admission.

3. Learned counsel for the appellant submits that the impugned order dated 03.02.2025 passed by the learned Single Judge is vulnerable because the appellant was using the open space in question for quite some time and the learned Single Judge was not justified in treating the appellant to be an encroacher and declining the relief. It is prayed that appropriate direction should have been issued by the learned Single Judge to provide the access to the property in question to the appellant. In other words, it is submitted that the easementary rights or right of ingress and egress in relation of plot of land should have been protected by the learned Single Judge.

4. Sounding contra note, learned counsel for the respondents submit that it is not an admitted fact that the open space was used by the appellant for quite some time for the said purpose.

5. In view of rival stand taken by the learned counsel for the parties, there exists a disputed question of fact which cannot be gone into and decided in a writ petition. Thus, we find no error so far in not entertaining the writ petition by the learned Single Judge. In the interest of justice, we deem it proper to reject this appeal with the observation that the appellant can avail the remedy under the civil law and file appropriate application for injunction/interim relief. While deciding the civil matter, any finding given by the learned Single Judge will not be binding on the trial Court and it shall decide the matter on its own merits in accordance with law.

6. With aforesaid observation, this Writ Appeal is **disposed of**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/- M. MANJULA
DEPUTY REGISTRAR

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SECTION OFFICER

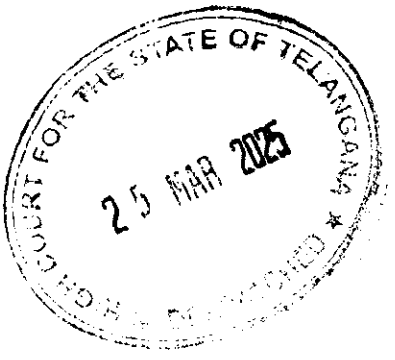
To,

1. The Principal Secretary Municipal Administration, having office at T.S. Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, having office at Tank Bund, Hyderabad.
3. The Zonal Commissioner, GHMC, Chanda Nagar Circle-21, having office at Serilingampally Municipal Office, RR District.
4. The Tahsildar Serilingampally Mandal, RR District.
5. One CC to SRI MOHAMMAD ADNAN, Advocate [OPUC]
6. One CC to SRI G.MADHUSUDHAN REDDY, SC FOR GHMC [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR
GJP

HIGH COURT

DATED: 18/02/2025



JUDGMENT

WA.No.206 of 2025

DISPOSING OF THE WRIT APPEAL,
WITHOUT COSTS

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13/3/25