IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWELFTH 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: 1079 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order Dated 22/12/2023 in W.P. No. 26415 of 2023 on the file of the High Court.

Between:

1. M/s.Parthasaradhi Real Estate and Constructions, Rep. by Baddam Bhupal Reddy, S/o. Baddam Lachi Reddy, Aged. 54 years, Occ. Business, R/o. H.No.1-106, Near Govt. School, Kuntloor Village, Abdullapurmet Mandal, R.R.District.
2. Bommakanti Yadagiri, S/o. B. Lachaiah, Age. 47 years, Occ. Business, R/o.H.No.143, Plot No.238, Road No.12, Near Ashtalakshmi Temple, Vasavi Colony, Saroor Nagar, R.R.District.
3. Polipaka Srikanth, S/o. P.Narasimha, Age. 32 years, Occ. Business, R/o.H.No.4-13, Naripalle Village, Abdullapurmet Mandal, R.R.District.

...APPELLANTS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Saifabad, Hyderabad.
2. The Hyderabad Metropolitan Development Authority (HMDA), Rep. by its Commissioner, Swarna Jayanthi Complex, S.R.Nagar, Srinivasa Nagar, Ameerpet, Hyderabad - 500 038.
3. The District Collector, Rangareddy District at Kongarakalan.
4. The Revenue Divisional Officer, Hayathnagar Revenue Division, R.R.District.
5. The Revenue Divisional Officer, Ibrahimpatnam Revenue Division, R.R.District.
6. The Tahsildar-cum-Sub Registrar, Abdullapurmet Mandal, R.R.District.
7. The Sub-Registrar, Hayathnagar, R.R.District.
8. Smt. M.Pushpanjali, W/o. Late Anjan Kumar Goud, Age. 56 years, Occ. Household, R/o.H.No.16-11-656, Gadiannaram, Dilsukhnagar, Hyderabad.
9. M.Srinivas Goud, S/o. Late M. Anjan Kumar Goud, Aged 36 years, Occ. Pvt. Service, R/o 16-11-656, Gaddiannaram, Dilsukhnagar, Hyderabad.

10. M. Kumar Raja, S/o. Late M Anjan Kumar Goud, Aged 33 years, Occ. Pvt. Service, R/o.H.No.16-11-656, Gaddiannaram, Dilsukhnagar, Hyderabad.

11. M. Vinay Kumar, S/o Late M Anjan Kumar Goud, Aged 33 years, Occ. Pvt. Service, R/o.H.No.16-11-656, Gaddiannaram, Dilsukhnagar, Hyderabad.

12. T.Gurubrahmaiah, S/o T Venkata Swamy, Aged 49 years, Occ. Business, R/o.H.No.12-1-502/10, 11 part Indraprastha Colony, Bandlaguda, Uppal, Medchal-Malkajgiri District.

13. A. Krishna Prasad Reddy, S/o A. Sura Reddy, Aged 65 years, Occ. Retd. Bank Employee, R/o.H.No.2-2-23, Plot No. 100, Road No.8, Arunodaya Nagar Colony, Nagole, Uppal, Medchal-Malkajgiri District.

14. Gurukrishna Developers, 2-2-23, Plot No.100, Road No.8, Kalyan Nilayam, Arunodaya Nagar Colony, Nagole, Hyderabad.

15. S. Harshitha, W/o. Pradeep, Aged about 42 Years, Occ. House Wife, R/o. H.No. 16-2-738/F, Admangadh, T.V. Tower, Malakpet, Hyderabad.

16. Sajja Pramod Kumar, S/o. Late S. Venkateshwar Rao, Rep. by S. Jaya Swamy, Aged about 72 Years, R/o. H.No.16-2-738/F/4, Asmangadh, Near Malakpet Police Station, Amberpet, Malakpet Colony, Hyderabad, Telangana.

17. Dr. Ravinder Kumar Nagula, S/o. N. Venkataiah, Aged about 59 Years, Occ. Doctor, R/o. H.No.1-120/M/Varuna/506, My Home, Nawadeepa, High-tech City, Madhapur, Shaikpet, Hyderabad, Telangana.

18. Dhacherla Sripal Reddy, S/o. Dacharlapally Pratap Reddy, Aged about 44 Years, Occ.Business, R/o. 9-7-52 (New), Yadagiri Colony.

19. Smt. Komal Agarwal, W/O. Tapesh Agarwal, Aged about 26 Years, Occ. House Wife, R/o. 21-7-522, Chelapura, Hyderabad, Telangana.

20. Sai Harshitha Sesham, D/o. Not Known, Aged about. Not Known, R/o.H.No.16-2-738/F/4, Admangadh, TV. Tower, Malakpet, Hyderabad.

...RESPONDENTS

IA NO: 3 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order of the learned Single Judge in WP No.26415/2023, dt.22/12/2023, pending disposal of the Writ Appeal.

Counsel for the Appellants : SRI VEDULA SRINIVAS, Senior Counsel, rep., Ms.VEDULA CHITRALEKHA

Counsel for the Respondents No.1&3to7: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

Counsel for the Respondents No.2 : SMT.D.MADHAVI, SC FOR HMDA

Counsel for the Respondents No.8to14 : SRI SRIRAM POLALI

Counsel for the Respondents No.17&19 : SRI S.SRIDHAR

The Court made the following: JUDGMENT

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

WRIT APPEAL No.1079 OF 2024

JUDGMENT: *(Per Hon'ble Smt. Justice Renuka Yara)*

Heard Sri Vedula Srinivas, learned Senior Counsel appearing for Ms. Vedula Chitralekha, learned counsel for the appellants; Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondents No.1 and 3 to 7; Ms. D. Madhavi, learned Standing Counsel for HMDA, appearing for respondent No.2; Sri Sriram Polali, learned counsel for respondents Nos.8 to 14 and Sri S. Sridhar, learned counsel appearing for respondent Nos.17 and 19. Perused the record.

2. This is an intra-court appeal filed by the appellants/petitioners, aggrieved by the interim order dated 22.12.2023 passed in W.P.No.26415 of 2023 by the learned Single Judge of this Court.

3. In the aforesaid Writ Petition, the petitioners sought two interim reliefs, one is to direct respondent No.2 not to entertain any application made by respondent Nos.12 and 14 with reference to land in Sy.Nos.204 and 208 of Kuntlur Village, Abdullapurmet Mandal, Ranga Reddy District for granting lay out permission and

another one is to direct respondent No.6 to consider the representations dated 04.05.2023, 01.06.2022 and 21.06.2023 of the petitioners for implementation of the orders of the Special Tribunal in Case No.D5/ST/1168/2021 (old D5/1188/2020) and Case No.D5/799/2021 (old A2/02/2020) dated 19.06.2021.

4. This Court *vide* interim order, dated 22.09.2023, directed respondent No.6 to consider the representation of the petitioner dated 21.06.2023 within two weeks, but the learned Single Judge was not inclined to direct the respondent No.2 not to entertain the application of respondent Nos.12 and 14 in granting the lay out permission. Thereafter, when the respondent Nos.8, 9 and 11 to 14 approached respondent No.2 for grant of layout permission, the same was rejected referring to the Court order dated 22.09.2023. Respondent No.2 informed that the permission cannot be accorded and the matter was kept on hold till the dispute is settled.

5. In that regard, when the respondents approached the learned Single Judge, since no interim relief was granted in favour of the petitioners in directing respondent No.2 not to consider the application for grant of lay out permission, on 22.12.2023, the learned Single Judge passed an order, which reads as follows:

> "....there shall be interim direction to respondent No.2 to consider the application submitted by respondent Nos.8, 9, 11

to 14 – vacate petitioners for lay out permission in respect of the land in Sy.Nos.204 and 208 part of Kuntloor Village, without referring to the order passed by this Court in this writ petition dated 22.09.2023 and letters of respondent No.2 in Lr.No.00269/LO/HMDA/0065/GHT/2023 dated 03.11.2023 and Lr.No.000269/LO/HMDA/0065/GHT/2023 dated 24.11.2023."

6. Aggrieved by the said order, the present appeal is filed emphasizing that I.A.No.1 of 2023 in the Writ Petition is filed to direct respondent No.2 not to entertain any lay out application with respect to the subject land and during pendency of the said application, the impugned order cannot be passed.

7. Learned counsel for the appellants would submit that the relief granted to the respondents far exceeds the prayer in the main writ petition and that there is no prayer by respondent Nos.9 to 11 seeking a direction to respondent No.2 to consider their lay out application with respect to the subject property.

8. Learned counsel for respondent Nos.11 to 14 would submit that there is no error in the order passed by the learned Single Judge as the order dated 22.12.2023 was passed only by way of clarification to the order dated 22.09.2023. The record reveals that the appellants filed I.A.No.1 of 2023 under Section 151 of CPC praying as follows:-

"....to direct respondent No.2 not to entertain any application made by respondent Nos.12 and 14 over the land in Sy.Nos.204 and 208 of Kuntlur Village, Abdullapur Met Mandal, Ranga Reddy District for granting any lay out pending disposal of the writ petition.."

9. It is the appellants who have approached this Court seeking relief against the respondents. Therefore, the learned Single Judge has to consider the entitlement of the appellants for grant of relief in the writ petition and the interim applications. There is no scope for grant of positive relief to respondent Nos.8, 9, 11 to 14 in a writ petition filed by the appellants.

10. Upon reading the order dated 22.12.2023, it appears that the learned Single Judge only intended to give clarification about the scope of the interim order granted in favour of the appellants *vide* order dated 22.09.2023. By using the word "interim direction" to respondent No.2 to consider the application submitted by respondent Nos.8, 9, 11 to 14, in effect, it appears that a positive relief is granted in favour of respondent Nos.8, 9, 11 to 14. Since the usage of the words "interim direction to respondent No.2" is likely to be mis-interpreted to construe that respondent No.2 has been directed to consider the application of respondent Nos.8, 9, 11 to 14, we deem it just and necessary to set aside the same.

11. In the result, the Writ Appeal is allowed setting aside the impugned order dated 22.12.2023. There shall be no order as to costs.

Miscellaneous applications, if any, pending in this appeal, shall stand closed.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

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To,

1. The Principal Secretary, Revenue Department, Secretariat Buildings, Saifabad, State of Telangana, Hyderabad.
2. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA), Swarna Jayanthi Complex, S.R.Nagar, Srinivasa Nagar, Ameerpet, Hyderabad - 500 038.
3. The District Collector, Rangareddy District at Kongarakalan.
4. The Revenue Divisional Officer, Hayathnagar Revenue Division, R.R.District.
5. The Revenue Divisional Officer, Ibrahimpatnam Revenue Division, R.R.District.
6. The Tahsildar-cum-Sub Registrar, Abdullapurmet Mandal, R.R.District.
7. The Sub-Registrar, Hayathnagar, R.R.District.
8. One CC to Ms.VEDULA CHITRALEKHA, Advocate. [OPUC]
9. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
10. One CC to SMT.D.MADHAVI, SC FOR HMDA. [OPUC]
11. One CC to SRI SRIRAM POLALI, Advocate. [OPUC]
12. One CC to SRI S.SRIDHAR, Advocate. [OPUC]
13. Two CD Copies.

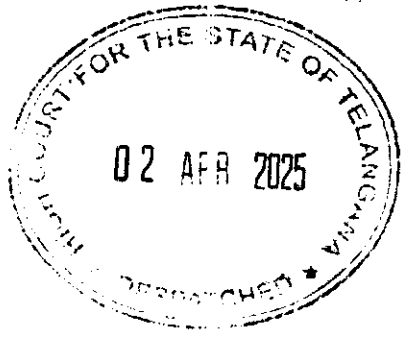
BSK
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HIGH COURT

DATED:12/03/2025

JUDGMENT

WA.No.1079 of 2024



ALLOWING THE WRIT APPEAL WITHOUT COSTS

16 PA 25/8/25