HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY SEVENTH 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 NOS: 338 AND 697 OF 2024

W.A.NO: 338 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 15/04/2024 in W.P.No.6335 of 2022 on the file of the High Court.

Between:

K.E. Sthalasai, S/o K.T Ramanujacharyulu, aged about 55 years, Occ. Sthanacharyulu, R/o 8-1-16, Thathagudi Centre, Badhrachalam, Badradri Kothagudem District.

...APPELLANT/PROPOSED RESPONDENT No.5

AND

1. Kancherla Venkata Ramana, S/o Late Mallikhajuna Rao, Aged 49 years, R/o Plot No. 230, H.No. 42-878/2, Sri Jawahar nagar Colony, Moula Ali, Hyderabad - 500 040

...RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep by its Secretary, Endowments Department, Secretariat, Hyderabad
3. The Commissioner of Endowments, Office at Abids, Hyderabad, Telangana
4. The District Collector, Bhadradri Kothagudem District At Kothagudem
5. Sri Seetha Ramachandraswamy Vaari Devasthanam, Rep by its Executive Officer At Bhadrachalam Bhadradri Kothagudem District

...RESPONDENTS/RESPONDENTS 1 TO 5

IA NO: 1 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 operation of the order dt.15.4.2024 in W.P. No. 6335 of 2022.

IA NO: 4 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 Memo No. 10747/Endts.II/A2/2024, dated 18-05-2024 and consequential proceedings No. 10747/Endts.II/A2/2024, dated 24-05-2024, pending disposal of the main Writ Appeal.

IA NO: 5 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 proceedings vide Memo R. C. No. A1/348/2024, dt.17-05-2024, pending disposal of the main Writ Appeal.

Counsel for the Appellant: SRI L.RAVICHANDER, SENIOR COUNSLE FOR SRI RAHUL BHATI

Counsel for the Respondent No.1: SRI D.V.SITHARAM MURTHY, SENIOR COUNSEL FOR SRI A.V.RAGHURAM

Counsel for the Respondent Nos.2,3 & 5: SRI BHKYA MANGILAL NAIK, GP FOR ENDOWMENT

Counsel for the Respondent No.4: GP FOR REVENUE

W.A.NO: 697 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 15/04/2024 in W.P.No.37898 of 2022 on the file of the High Court.

Between:

The Chief Priest, Sree Seetha Ranachandra Swamy Vari Devasthanam, Bhadrachalam, Bhadradri-Kothagudem District, Telangana.

...APPELLANTRESPONDENT No.5

AND

1. G.T.V. Manidhar, S/o. GHL Prasad, Aged. about 41 years, Occ. Astrologer and Religious Speaker, R/o. Flat No. 5274, 5275, 5th Block, 3rd Wing, 2nd Floor, Janapriya Metropolis Motinagar, Hyderabad -500018.

...WRIT PETITIONER/RESPONDENT

2. The State of Telangana, Rep. by its Secretary Endowments Department, Secretariat, Hyderabad. Pincode-500022
3. The Commissioner of Endowments, Office at Tilak Road, Abids, Hyderabad. Boggulkunta Hyderabad-500001

4. The District Collector, Bhadradri Kothagudem District. Kothagudem-507101 Telangana
5. Sree Seetha Ramachandra Swamy Vari Devasthanam Bhadrachalam, Bhadradrikothagudem District,Telangana-507111 Rep. by its Executive Officer

...RESPONDENTS/RESPONDENTS

Counsel for the Appellant: SRI K.RAGHAVA CHARYULU
Counsel for the Respondent No.1: SRI V.HARIHARAN, SENIOR COUNSEL FOR SRI SRIKANTH HARIHARAN
Counsel for the Respondent Nos.2 & 3: SRI BHUKYA MANGILAL NAIK, GP FOR ENDOWMENT
Counsel for the Respondent No.4: GP FOR REVENUE
Counsel for the Respondent No.5: SRI J.R.MANOHAR RAO, SC FOR ENDOWMENT

The Court made the following: COMMON JUDGMENT

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

WRIT APPEAL Nos.338 and 697 of 2024

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

Sri L. Ravichander, learned Senior Counsel representing Sri Rahul Bhati, learned counsel for the appellant in W.A.No.338 of 2024; Sri D.V. Sitharam Murthy, learned Senior Counsel representing Sri A.V. Raghuram, learned counsel for respondent No.1/Writ Petitioner in W.A.No.338 of 2024 and Sri K. Raghava Charyulu, learned counsel for the appellant in W.A.No.697 of 2024, Sri V. Hariharan, learned Senior Counsel representing Sri Srikanth Hariharan, learned counsel for respondent No.1 in W.A.No.697 of 2024 and Sri Bhukya Mangilal Naik, learned Government Pleader for Endowments, for official respondents-Endowment Department in both the Writ Appeals.

2. Since common order passed by the learned Single Judge in W.P.Nos.6335 and 37898 of 2022 is called in question in these Writ Appeals, at the joint request of the parties both the Writ Appeals are analogously heard.

3. Learned counsel for the appellants urged that the learned Single Judge without deciding the objection regarding

maintainability of the Writ Petitions, which goes to the root of the matter and based on the judgment of Supreme Court in the **Srivari Daada v. Tirumala Tirupati Devasthanams**[1] passed the impugned interlocutory order which is bad in law. The learned Single Judge should not have directed the Principal Secretary, Endowments Department, Hyderabad, to constitute a committee and submit a report.

4. *Per contra,* learned counsel for the respondents submits that these Writ Appeals are not maintainable because (i) out of three Writ Petitions i.e., W.P.Nos.6335, 37898 and 13168 of 2022 in which the impugned interlocutory order was passed in one Writ Petition no appeal is preferred, as such the order has attained finality, (ii) against an interlocutory order no Writ Appeal is maintainable and (iii) the learned Single Judge merely passed a direction for constitution of a committee and to obtain report, which is in furtherance of adjudication. Thus, no fault can be found in the impugned order.

5. No other point is pressed.

6. The question of maintainability of the Writ Appeal against the interlocutory order is not *res integra.*

[1] S.L.A.(C) No. 6554 of 2021, decided on 16.11.2021.

7. In **The University of Hyderabad, rep. by its Registrar, Central University Campus (P.O), Gachibowli, Hyderabad v. Sadik Hussain and Others**[2], a Division Bench of this Court considered Clause 15 of the Letters Patent and opined that it provides an appeal from a 'judgment' of single Judge in exercise of original jurisdiction to a Division Bench. The previous judgment of a Division Bench in **Shah Babulal Khimji v. Jayaben D.Kania**[3] was considered and it was held that *'orders falling under categories (iv) and (v) are not 'judgments' for the purpose of filing appeals provided under the Letter Patent'.* Categories (iv) and (v) read thus:

> "(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.
>
> (v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties."

Lastly, the Division Bench recorded as under:

> " At the cost of the repetition, it is to be noticed that **the learned Single Judge has not decided the rights and obligations of the parties and only passed interlocutory orders and hence in our considered view the same does not satisfy the trappings of the judgments as defined under Clause 15 of the Letters Patent and it will be appropriate for the appellant to file vacate petition.** Accordingly, the writ appeal is disposed of with the said observation."
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> (Emphasis Supplied)

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[2] 2013 SCC OnLine AP 342
[3] 1981 AIR 1786

8. In **Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda**[4], the Supreme Court held as under:

> "**15.** Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories:
>
> (*i*) Orders which finally decide a question or issue in controversy in the main case.
>
> (*ii*) Orders which finally decide an issue which materially and directly affects the final decision in the main case.
>
> (*iii*) Orders which finally decide a collateral issue or question which is not the subject-matter of the main case.
>
> (*iv*) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.
>
> (*v*) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties.
>
> **16.** The term "judgment" occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in Section 2(9) CPC and orders enumerated in Order 43 Rule 1 CPC, **but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties.** Interlocutory orders which fall under categories (*i*) to (*iii*) above, are, therefore, "judgments" for the purpose of filing appeals under the Letters Patent. **On the other hand**, orders falling under categories (*iv*) and (*v*) are not "judgments" for the purpose of filing appeals provided under the Letters Patent."
>
> (Emphasis Supplied)

[4] (2006) 5 SCC 399

9. The Supreme Court in a recent judgment in **Shyam Sel And Power Limited v. Shyam Steel Industries Limited**[5] took a similar view.

10. The Supreme Court laid down the *litmus* test to determine whether order impugned is a 'judgment' within the meaning of Letters Patent. If the present matter is examined on the anvil of said principles, it will be clear that (i) by impugned order the learned Single Judge has not finally decided the question or issue in controversy in the main case, (ii) the impugned order has not decided any issue which materially or directly affects final decision in the Writ Petitions, (iii) the impugned order does not have any impact on a collateral issue or question which was not subject matter of main case.

11. We have no doubt that the learned Single Judge before touching upon the merits of the case will deal with maintainability of the Writ Petitions by taking into account the judgment of Supreme Court **Tirumala Tirupati Devasthanams** (supra). In our opinion, the Writ Appeals against the impugned interlocutory order are not tenable.

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[5] 2022 LiveLaw (SC) 282

12. With the observation mentioned hereinabove, these Writ Appeals are **disposed of**. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/-I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Endowments Department, Secretariat, Hyderabad, State of Telangana
2. The Commissioner of Endowments, Office at, Tilak Road,Abids, Hyderabad, Telangana
3. The District Collector, Bhadradri Kothagudem District At Kothagudem
4. Executive Officer At Bhadrachalam Bhadradri Kothagudem District, Sri Seetha Ramachandraswamy Vaari Devasthanam
5. One CC to SRI RAHUL BHATI, Advocate [OPUC]
6. One CC to SRI K.RAGHAVA CHARYULU, Advocate [OPUC]
7. One CC to SRI A.V.RAGHRAM, Advocate [OPUC]
8. One CC to SRI SRIKANTH HARIHARAN, Advocate [OPUC]
9. One CC to SRI J.R.MANOHAR RAO, SC FOR ENDOWMENT [OPUC]
10. Two CCs to GP FOR ENDOWMENT, High Court for the State of Telangana, at Hyderabad. [OUT]
11. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
12. Two CD Copies

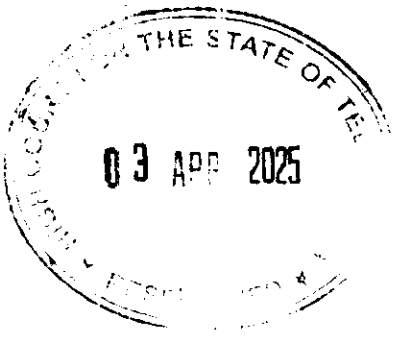
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HIGH COURT

DATED:27/02/2025

COMMON JUDGMENT

WA.Nos.338 AND 697 of 2024



DISPOSING OF THE WRIT APPEALS WITHOUT COSTS

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12/03/25