HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY SEVENTH 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: 194 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 31/12/2024, in W.P. No. 24049 of 2022 on the file of the High Court.

Between:

Martha Swapna, W/o. Srinivas, Age 35 years, Occ ; Housewife, R/o. H.No.5-2-35, N.K. Nagar, Chunchupally Mandal, Bhadradri Kothagudem District.

.....APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Bhadradri Kothagudem District.
3. The District Panchayathraj Officer, Bhadradri Kothagudem District.
4. The Mandal Parishad Officer, Chunchupally Mandal, Bhadradri Kothagudem District.
5. The Mandal Revenue Officer, Chunchupally Mandal, Bhadradri Kothagudem District.
6. The Grama Panchayat Secretary, Vidyanagar Colony, Chunchupally.
7. The Superintendent of Police, Bhadradri Kothagudem District.
8. The Station House Officer, Chunchupally, Bhadradri Kothagudem District.
9. Vemula Pushpalatha, W/o. Shankar, Age. 59 Years, Occ. General Mazdoor, R/o. H.No.3-1 -230, Vidyanagar Colony, Chunchupally Mandal, Bhadradri Kothagudem District.

.....RESPONDENTS/RESPONDENTS

I.A.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 respondent No. 4 to 8 to stop the construction of the 9th respondent in House No. 3-1-230 (New) and 3-1-157 (Old) in the year 1992 and 3-1-109 (old) in the year 1987 situated at Vidyanagar Colony, Chunchupally Mandal, Bhadradri Kothagudem District, within the boundaries of East R and B Road, West Kunta Katta North Vemula Narayana House South. Thumu Kaluva (Canal) in the interest of justice.

Counsel for Appellant : SRI M.DURGA PRASAD

Counsel for Respondent Nos.1, 2 & 5 : SRI MURALDHAR REDDY KATRAM, AGP FOR REVENUE

Counsel for Respondent No.3 : Ms. SHAZIA PARVEEN, GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT

Counsel for Respondent Nos.4 & 6 : SRI PRADEEP REDDY KATTA, SC FOR GRAM PANCHAYAT

Counsel for Respondent Nos.7 & 8 : G.P FOR HOME

Counsel for Respondent No.9 : SRI B.MAHENDER REDDY

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.194 of 2025

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

Sri M. Durga Prasad, learned counsel for the appellant; Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue Department, for respondent Nos.1, 2 and 5; Ms. Shazia Parveen, learned Government Pleader for Panchayat Raj and Rural Development, for respondent No.3; Sri Pradeep Reddy Katta, learned Standing Counsel for Gram Panchayat, for respondent Nos.4 and 6; Sri Mahesh Raje, learned Government Pleader for Home Department, for respondent Nos.7 and 8 and Sri B. Mahender Reddy, learned counsel for respondent No.9.

2. With the consent, finally heard.

3. During the course of hearing, learned counsel for the parties agreed that the observation "*As already observed by this Court, the construction made by respondent No.9, shall be subject to the result of the dispute before the civil Court.*" in paragraph No.13 of the impugned common order dated 31.12.2024 passed by the learned Single judge in W.P.Nos.24049 of 2022 and 30326

of 2024 may be set aside by holding that, whether or not the said constructions will be subject to final outcome, shall depend on the nature of litigation of O.S.No.593 of 2021. The *'res sub judice'* principle will be applicable based on the said O.S.

4. In view of consensus arrived at, the aforesaid portion in paragraph No.13 of the impugned common order is set aside and the *res sub judice* principle based on aforesaid O.S. will apply.

5. Accordingly, this Writ Appeal is **disposed of.** No costs.

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

SD/-K. SHYLESHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Secretariat, State of Telangana at Hyderabad.
2. The District Collector, Bhadradri Kothagudem District.
3. The District Panchayathraj Officer, Bhadradri Kothagudem District.
4. The Mandal Parishad Officer, Chunchupally Mandal, Bhadradri Kothagudem District.
5. The Mandal Revenue Officer, Chunchupally Mandal, Bhadradri Kothagudem District.
6. The Grama Panchayat Secretary, Vidyanagar Colony, Chunchupally.
7. The Superintendent of Police, Bhadradri Kothagudem District.
8. The Station House Officer, Chunchupally, Bhadradri Kothagudem District.
9. Two CC's to GP FOR PANCHAYAT RAJ AND RURAL DEVELOPMENT, High Court for the State of Telangana at Hyderabad. (OUT)
10. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
11. One CC to SRI M.DURGA PRASAD, Advocate [OPUC]
12. One CC to SRI B.MAHENDER REDDY, Advocate (OPUC)
13. One CC to SRI PRADEEP REDDY KATTA, SC FOR GRAM PANCHAYAT (OPUC)
14. Two CD Copies

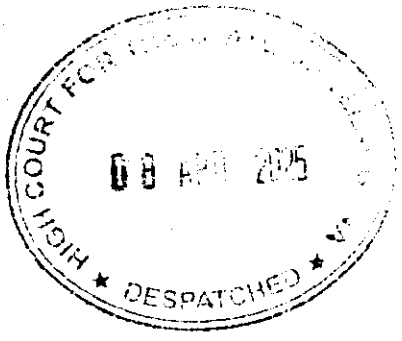
SA
BS

HIGH COURT

DATED:27/03/2025

JUDGMENT

WA.No.194 of 2025



DISPOSNG OF THE W.A.

WITHOUT COSTS.

(18)

kpr.

8/4/25