HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

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

WRIT APPEAL NOs: 409, 410 & 414 OF 2025

WRIT APPEAL NO: 409 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 27/02/2025 in W P No. 35105 of 2024 on the file of the High Court.

Between:

Sri. Karra Ganapathi Reddy, S/o. Saireddy, Aged. 67 Years, Occ.Agriculture, R/o. H.No.10-4-46/1, Vavilalapally, Karimnagar Town and District, T.S

...APPELLANT

AND

1. The State of Telangana, Rep., by its Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The Karimnagar Municipal Corporation, Karimnagar rep. by its Commissioner, Karimnagar, Karimnagar District.
3. Thota Thirupathi, S/o. ThotaLingaiah, Aged about. 50 Years, Occ. Agriculture, R/o.H.No. 4-46, Venkatraopally Village, Ramagundam Mandal, Karimnagar 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 restrain the respondent no.3 in making constructions over the subject property pending disposal of the writ Appeal in the interest of justice.

Counsel for the Appellant: SRI J.PRABHAKAR, Sr. COUNSEL, REP. FOR SRI G.BHASKER REDDY

Counsel for the Respondent No.1: SRI E.VENKATA REDDY,
GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2: SRI K.SIDDARTH REDDY, SC FOR MCPL

Counsel for the Respondent No.3: SRI CH.RAVINDER

WRIT APPEAL NO: 410 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated 27-02-2025 in W.P.No.35115 of 2024 on the file of the High Court.

Between:

Sri. Karra Ganapathi Reddy, S/o. Saireddy, Aged. 67 Years, Occ.Agriculture, R/o. H.No.10-4-46/1, Vavilalapally, Karimnagar Town and District, T.S

..APPELLANT

AND

1. The State of Telangana, Rep., by it's Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The Karimnagar Municipal Corporation, Karimnagar rep. by it's Commissioner, Karimnagar, Karimnagar District.
3. Thota Thirupathi, S/o. ThotaLingaiah, Aged about. 50 Years, Occ. Agriculture, R/o.H.No. 4-46, Venkatraopally Village, Ramagundam Mandal, Karimnagar 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 restrain the respondent no.3 in making constructions over the subject property pending disposal of the writ Appeal in the interest of justice.

Counsel for the Appellant: SRI J.PRABHAKAR, Sr. COUNSEL, REP. FOR SRI G.BHASKER REDDY

Counsel for the Respondent No.1: SRI E.VENKATA REDDY,
GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2: SRI K.SIDDARTH REDDY, SC FOR MCPL

Counsel for the Respondent No.3: SRI CH.RAVINDER

WRIT APPEAL NO: 414 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 27/02/2025 in WP No 35096 of 2024 on the file of the High Court.

Between:

Sri. Karra Ganapathi Reddy, S/o. Saireddy, Aged. 67 Years, Occ.Agriculture, R/o. H.No.10-4-46/1, Vavilalapally, Karimnagar Town and District, T.S

...APPELLANT

AND

1. The State of Telangana, Rep., by it's Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. The Karimnagar Municipal Corporation, Karimnagar rep. by it's Commissioner, Karimnagar, Karimnagar District.
3. ThotaThirupathi, S/o. ThotaLingaiah, Aged about. 50 Years, Occ. Agriculture, R/o.H.No. 4-46, Venkatraopally Village, Ramagundam Mandal, Karimnagar 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 restrain the respondent no.3 in making constructions over the subject property pending disposal of the writ Appeal in the interest of justice.

Counsel for the Appellant: SRI J.PRABHAKAR, Sr. COUNSEL, REP. FOR SRI G.BHASKER REDDY

Counsel for the Respondent No.1: SRI E.VENKATA REDDY, GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2: SRI K.SIDDARTH REDDY, SC FOR MCPL

Counsel for the Respondent No.3: SRI CH.RAVINDER

The Court delivered the following: COMMON JUDGMENT

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

WRIT APPEAL Nos.409, 410 & 414 of 2025

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

Sri J. Prabhakar, learned Senior Counsel represents Sri G. Bhaskar Reddy, learned counsel for the appellant; Sri E. Venkata Reddy, learned Government Pleader for Municipal Administration and Urban Development, for respondent No.1 and Sri K. Siddarth Reddy, learned Standing Counsel for respondent No.2.

2. Regard being had to the similitude of the questions involved, these matters were analogously heard on admission.

3. The singular point raised by learned Senior Counsel for the appellant is that the learned Single Judge has erred in passing the impugned common order dated 27.02.2025 ignoring the fact that the writ petitioner (respondent No.3 herein) has not disclosed the fact of pendency of O.S.Nos.52, 53 and 280 of 2022 on the file of Principle Junior Civil Judge at Karimnagar. Learned Senior Counsel for the appellant submits that this

amounts to "suppression of fact" and in view of suppression, no relief was due to the writ petitioner.

4. The other point raised by the learned Senior Counsel for the appellant is that as per the provisions under Section 52 of the Transfer of Property Act, 1882 (for short, 'the Act'), it is deemed that the writ petitioner had the knowledge of pendency of the suits.

5. On a repeated query from the Bench as to whether there existed any material to show that the writ petitioner was aware of the pendency of aforesaid civil suits and yet he has not disclosed the same, no cogent material could be placed before us by learned Senior Counsel for the appellant to highlight the same. The only document on which reliance is placed is at page No.173 in W.A.No.409 of 2025 i.e., a plaint copy under Order XXVI r/w Order VII Rule 1 and 2 of Code of Civil Procedure. This plaint was filed before the Principal Junior Civil Judge at Karimnagar after filing of the writ petition. No material could be pointed out to highlight and establish that by the time the writ petition was filed, the writ petitioner was aware of pendency of aforesaid civil suits. Thus, the contentions raised by learned

Senior Counsel for the appellant that the writ petition was filed suppressing the material fact could not be substantiated.

6. So far as the contention of learned Senior Counsel for the appellant that as per the provisions under Section 52 of the Act, it is deemed that the writ petitioner had the knowledge of pendency of the aforesaid suits, in our opinion, Section 52 of the Act operates in a different field for a different purpose and no deemed knowledge can be assumed on the basis of this provision.

7. For the aforesaid reasons, we find no reason to entertain these appeals The admission is declined and accordingly, the appeals are **dismissed**. No costs.

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

SD/-K.SAILESHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI G.BHASKER REDDY, Advocate [OPUC]
2. One CC to SRI CH.RAVINDER, Advocate [OPUC]
3. One CC to SRI K.SIDDARTH REDDY, SC FOR MCPL [OPUC]
4. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

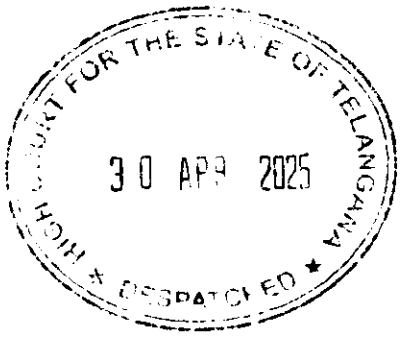
BSR
LS

HIGH COURT

DATED: 16/04/2025

COMMON JUDGMENT

WA.Nos.409, 410 & 414 of 2025



DISMISSING ALL THE WRIT APPEALS,

WITHOUT COSTS

(8)

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24/4/25