HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE FOURTH 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 NO: 367 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 17-03-2025 passed in W.P No. 30360 of 2024 on the file of the High Court.

Between:

Mandadi Pitchamma, W/o Late Muthyam Reddy, Aged about 60 years, Occ. Agriculture, R/o Dacharam Village, Nereducherla Mandal, Suryapet District.

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Secretariat, Hyderabad.
2. The District Collector, Suryapet, Suryapet District.
3. The Revenue Divisional officer, Huzurnagar Division, Suryapet District.
4. The Tahsildar, Nereducherla Mandal, Suryapet District.
5. The Station House Officer, Nereducherla Police Station, Suryapet District.
6. Bandi Venkat Reddy, S/o Bhiksham Reddy, Aged about 58 years, Occ. Agriculture, N/o Molkapuram Village, Garikapudu Mandal, Suryapet District, R/o Near Ayyappa Temple, Garidepalli Village, Garidepally Mandal, Suryapet District.

...RESPONDENTS

IA NO: 2 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 suspend the operation of the Impugned Proceedings No.B/494/2024, dated 22.10.2024 issued by the 3rd respondent, by directing the 3rd respondent to restore the seized agriculture lands of the petitioner to an extent of Ac.26.21½

gts in Sy.No.25, 26, 178, 179, 181, 188, 191, 192, 193, 194 and 197 respectively which is Dacharam Village, Nereducherla Mandal, Suryapet District, by issuing the Proceedings U/Sec.164 of BNSS Act pending disposal of the Writ Appeal.

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 direct the respondent Nos.3 to 5 not to interfere into the peaceful possession and enjoyment of the agriculture land to an extent of Ac.26.21½ gts in Sy.No.25, 26, 178, 179, 181, 188, 191, 192, 193, 194 and 197 respectively which is Dacharam Village, Nereducherla Mandal, Suryapet District pending disposal of the Writ Appeal.

Counsel for the Appellant: SRI RAPOLU BHASKAR

Counsel for the Respondent No.1 to 4: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

Counsel for the Respondent No.5: SRI MAHESH RAJE, GP FOR HOME

The Court delivered the following: JUDGMENT

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

W.A.No.367 of 2025

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

Sri Rapolu Bhaskar, learned counsel for the appellant; Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue, for respondent Nos.1 to 4 and Sri Mahesh Raje, learned Government Pleader for Home, for respondent No.5.

2. This intra-court appeal is directed against the order dated 17.03.2025 passed by the learned Single Judge in W.P.No.30360 of 2024.

3. In the writ petition, admittedly, the appellant assailed the proceedings arising out of Section 164 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

4. The Supreme Court in **Ram Kishan Fauji v. State of Haryana**[1], opined that the writ appeal/letters patent appeal is not maintainable against the order of the writ court when it examined a criminal matter. The similar view was followed by the High Court for the State of Telangana in **State of Telangana**

[1] (2017) 5 SCC 533

v. Tushar Vellapally[2] and the Gauhati High Court in **Deba Prasad Dutta v. State of Assam**[3].

5. On more than three occasions, we pointedly asked a question to learned counsel for the appellant in view of above judgments, how this writ appeal is maintainable. Sadly, no answer is forthcoming from learned counsel for the appellant.

6. In view of aforesaid view taken by the Supreme Court in **Ram Kishan Fauji** (supra), the Writ Appeal is not maintainable and is accordingly **dismissed**. However, this order will not come in the way of the appellant to avail appropriate remedy under the law. No costs.

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

SD/-I.NAGALAKSHMI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

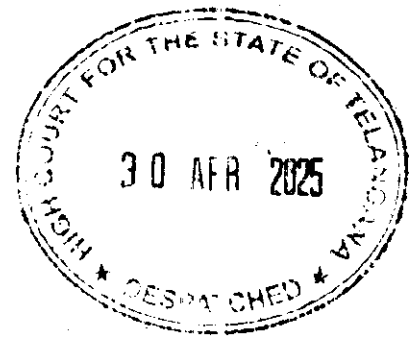
1. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
3. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR
LS

[2] 2023 SCC OnLine TS 334
[3] 2023 SCC OnLine Gau 3615; AIR 2024 Gau 30

HIGH COURT

DATED:04/04/2025



JUDGMENT

WA.No.367 of 2025

DISMISSING THE WRIT APPEAL,

WITHOUT COSTS

8 copies
Fr
19/4/25