HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE THIRTIETH 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: 509 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 22/04/2025 in WP.No. 11917 of 2025. on the file of the High Court.

Between:

K. Bhupal, S/o. K. Shankaraiah, Aged about 42, Occ. Agriculture, R/o. 4-97, Kondakal, Shankerpally Mandal, Kondakal District, Ranga Reddy, Telangana.

...APPELLANT/RESPONDENT No.10

AND

1. Yarrapothu Sailaja, W/o. Yarrapothu Koti Babu, Aged about 58 years, Occ. Advocate, R/o. D.No. 20, Road No. 16, Near Sai Babu Temple, Film Nagar, Jubilee Hills, Hyderabad.

...RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep By its Principal Secretary, Revenue Department, Hyderabad.
3. The District Collector, Ranga Reddy District, Telangana.
4. The Revenue Divisional Officer, Chevella Division, Ranga Reddy, Telangana.
5. The Mandal Revenue Officer, Shankarpally Mandal, Ranga Reddy District.
6. The Assistant Director of Survey and Land Records, Ranga Reddy District, Telangana.
7. Krishna Ram Bhupal, S/o. Late S Bhupal, Aged about 40 years, Occ. Business, R/o. 6-3-250, Road No. 1, Banjara Hills, Hyderabad-500034.
8. Shalini Bhupal, W/o. Sri S Bhupal, Aged about 60 years, Occ. Business, R/o. 6-3-250, Road No. 1, Banjara Hills, Hyderabad-500034.
9. D. Venkat Reddy, S/o. Unknown, Aged about Major, Occ. Unknown, R/o. Kondakal Village, Shankerpally Mandal, Ranga Reddy District, Telangana.
10. M. Eshwar Reddy, S/o. Unknown, Aged about Major, Occ. Unknown, R/o. Kondakal Village, Shankerpally Mandal, Ranga Reddy District, Telangana.
11. D. Srinivas Reddy, S/o. Devarapalli Krishna Reddy, Aged about Major, Occ. Unknown, R/o. Kondakal Village, Shankerpally Mandal, Ranga Reddy District, Telangana.
12. K. Rammohan Reddy, S/o. K. Kumaraswamy Reddy, Aged about Major, Occ. Unknown, R/o. Kondakal Village, Shankerpally Mandal, Ranga Reddy District, Telangana.

...RESPONDENTS/RESPONDENTS IN WP

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 suspend the orders of the learned Single Judge dated 22/04/2025 in I.A. No. 1 of 2025 in W.P. No. 11917 of 2025.

Counsel for the Appellant: SRI V.RAVINDER RAO, SENIOR COUNSEL FOR SRI E.VENKATA SIDDHARTHA

Counsel for the Respondent No.1: SRI PARSA ANANTH NAGESWAR RAO

Counsel for the Respondent Nos.2 TO 6: SRI MURALIDHAR REDDY KATRAM, GP FOR REVENUE

Counsel for the Respondent Nos.7 TO 12: --

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.509 of 2025

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

Sri V.Ravinder Rao, learned Senior Counsel appearing for Sri E.Venkata Siddhartha, learned counsel for the appellant; Sri Parsa Ananth Nageswar Rao, learned counsel for respondent No.1 and Sri Muralidhar Reddy Katram, learned Government Pleader for Revenue, for respondent Nos.2 to 6.

2. This intra Court appeal takes exception to an *ex parte* interim order passed by the learned Single Judge in W.P.No.11917 of 2025 dated 22.04.2025 wherein the appellant is a party, but, without putting him to notice, the said order was passed.

3. In the opinion of this Court, the appellant has a remedy to file an application before the learned Single Judge for vacation of the interim order and apprise the court for vacation of the interim order and even apprise whether or not the writ petition is maintainable or it suffers from non-joinder of necessary parties, etc. In that event, it will be open for the learned Single Judge to consider such application and pass appropriate order. In

W.A.No.506 of 2025 and batch, dated 30.04.2025, it was held as under:

> "7. Admittedly, the appellants are party respondents before the learned Single Judge. The learned Single Judge has passed the impugned order without putting the appellants to notice. Thus, the appellants can certainly file applications for vacation of the aforesaid order. If such applications are filed, the learned Single Judge will certainly examine the same and in that event, it cannot be said that the order impugned passed by the learned Single Judge has attained finality or falls within the ambit of "judgment". Thus, the judgment of the Supreme Court in **LIC of India v. Sanjeev Builders (P) Ltd.** ((2018) 11 SCC 722) is of no assistance in the factual backdrop of this matter. The point involved in this case is no more *res integra*. In catena of judgments, it was held that against an interlocutory order, a Letters Patent Appeal/Writ Appeal can be entertained with circumspection and upon fulfilling the requirements of certain factors.
>
> 8. In **University of Hyderabad, rep. by its Registrar, Central University Campus (P.O), Gachibowli, Hyderabad v. Sadik Hussain** (2013 SCC OnLine AP 342), a Division Bench of the erstwhile High Court of Andhra Pradesh at Hyderabad 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 judgment of the Supreme Court in **Shah Babulal Khimji v. Jayaben D.Kania** (AIR 1981 SC 1786) 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."
>
> (Emphasis Supplied)

9. In **Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda** ((2006) 5 SCC 399), on which heavy reliance is placed, 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)

10. The Supreme Court in a recent judgment in **Shyam Sel and Power Limited v. Shyam Steel Industries Limited** ((2023) 1 SCC 634) took a similar view.

11. The Supreme Court laid down the *litmus* test to determine whether the 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 Petition, (iii) the impugned order does not have any impact on a collateral issue or question which was not subject matter of main case."

4. Thus, we are not inclined to interfere at this stage.

5. Accordingly, the writ appeal is **disposed of** by reserving liberty to the appellant to file such an application before the learned Single Judge. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-B. SATYAVATHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Hyderabad, State of Telangana.
2. The District Collector, Ranga Reddy District, Telangana.
3. The Revenue Divisional Officer, Chevella Division, Ranga Reddy, Telangana.
4. The Mandal Revenue Officer, Shankarpally Mandal, Ranga Reddy District.
5. The Assistant Director of Survey and Land Records, Ranga Reddy District, Telangana.
6. One CC to SRI E.VENKATA SIDDHARTHA, Advocate [OPUC]
7. One CC to SRI PARSA ANANTH NAGESWAR RAO, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

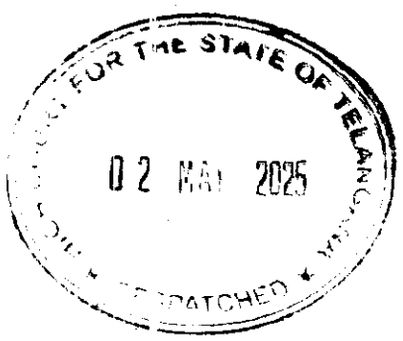
PSK.
BS

HIGH COURT

DATED:30/04/2025

JUDGMENT

WA.No.509 of 2025



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

(12)

fcpl
21/5/25