HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY ,THE TWENTY FIRST 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: 392 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated. 12-02-2025, Passed in WP.No. 14703 of 2008 on the file of the High Court.

Between:

1. Chinathalapally Thirupathi Reddy, S/o Yella Reddy, Age. 44 years, Occ. Agriculture, R/o H.No.1-17, Kodurpaka Village, Boinapally Mandal, Rajanna Sircilla District, Telangana-505402.
2. Chikkala Rama Rao, S/o Gopal Rao, Age. 46 years, Occ. Agriculture, R/o H.No.7-60, Kodurpaka Village, Boinapally Mandal, Rajanna Sircilla District, Telangana-505402.

..APPELLANTS

AND

1. Chittumalla Anantam, S/o Anjaiah, Age. 56 years, Occ. Agriculture, R/o Kodurpaka Village, Boinapally Mandal, Karimnagar District.
2. Chittumalla Nagesham, S/o Anjaiah. Age. 56 years, Occ. Agriculture, R/o Kodurpaka Village, Boinapally Mandal, Karimnagar District.
3. Chittumalla Satya Naryana, S/o Anjaiah R/o Kodurpaka Village, Boinapally Mandal, Karimnagar District.
4. Gone Bala Kishan, S/o Anjaiah, R/o Kodurpaka Village, Boinapally Mandal, Karimnagar District.
5. Kondam Malla Reddy, S/o Vardaiah, R/o Neelojipalli Village, Kodurpaka Village, Boinapally Mandal, Karimnagar District.
6. Pentala Laxmi, W/o Mysaiah, R/o Neelojipalli Village, Kodurpaka Village, Boinapally Mandal, Karimnagar District.
7. Yerukala Mallamma alias Anumala Mallamma, W/o Naryana, R/o Neelojipalli Village, Kodurpaka Village, Boinapally Mandal, Karimnagar District.
8. Yerukal Naryana, S/o Rajaiah, R/o Neelojipalli Village, Kodurpaka Village, Boinapally Mandal, Karimnagar District
9. Avulu Mallaiah, S/o Avulu Rajaiah, R/o Neelojipalli Village, Kodurpaka Village, Boinapally Mandal, Karimnagar District.

10. Avulu Ravi, S/o Avulu Rajaiah, R/o Neelojipalli Village, Koduroaka Village, Boinapally Mandal, Karimnagar District.

11. The Government of Andhra Pradesh erstwhile Presently State of Telangana, Rep. by its Secretary, Irrigation and Command Area Development, DR.B.R Ambedkar Secretariat Buildings, Hyderabad.

12. The District Collector, Karimnagar District erstwhile presently Rajanna Siricilla District.

13. The Revenue Divisional Officer, Siricilla District, Karimnagar District erstwhile presently Rajanna Siricilla.

14. Joint Collector Karimnagar District erstwhile at present Rajanna Siricilla District.

(R3 TO R10 are not necessary Parties to this W.A)

...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 suspend the order dated 12-02-2025 in W.P.No.14703 of 2008 pending disposal of the above Writ Appeal

Counsel for the Appellants: SRI. P GIRI KRISHNA

Counsel for the Respondent Nos.1&2: SRI RAJASHEKAR THALLAPALLY

Counsel for the Respondent No.11: Ms SHANTHI NEELAM GP FOR IRRIGATION AND COMMAND AREA DEVELOPMENT

Counsel for the Respondent Nos.12,13 & 14: SRI E. RAMESH CHANDRA GOUD GP FOR LAND ACQUISITION

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.392 of 2025

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

Sri P. Giri Krishna, learned counsel for the appellants; Sri Rajashekar Thallapally, learned counsel for respondent Nos.1 and 2/writ petitioners; Ms. Shanthi Neelam, learned Government Pleader for Irrigation & Command Area Development Department, for respondent No.11 and Sri E. Ramesh Chandra Goud, learned Government Pleader for Land Acquisition, for respondent Nos.12, 13 and 14.

2. During the course of hearing, learned counsel for the appellants submitted that in W.P.No.14703 of 2008, the present appellants filed an application seeking impleadment. Learned Single Judge was kind enough in allowing the application for impleadment but on the very same day decided the writ petition. If the appellants would have got an opportunity to file counter, they would have been in a position to show as to how their rights are going to be affected. The impugned order dated 12.02.2025 passed by the learned Single Judge may be set aside by

reserving liberty to the appellants to file counter and thereafter, the writ petition may be decided.

3. Learned counsel for respondent Nos.1 and 2/writ petitioners opposed the prayer by contending that the writ petition was pending since 2008 and the writ petitioners are the senior citizens. However, learned counsel for the writ petitioners, on a specific query from the Bench, fairly submitted that the writ petition was decided on the very same day the implead petition of the present appellants was allowed and they did not get an opportunity to file counter.

4. Considering the aforesaid, we deem it proper to set aside the impugned order dated 12.02.2025 passed by the learned Single Judge by restoring W.P.No.14703 of 2008 to its original number. Liberty is reserved to the appellants to file counter in the writ petition on or before 07.06.2025, failing which, right to file counter shall stand forfeited. In the event of filing of counter by the appellants within the said date, learned Single Judge is requested to decide the writ petition afresh in accordance with law by duly taking into consideration the counter filed by the appellants. The Registry shall list the writ petition before appropriate Bench in third week of June, 2025.

5. Accordingly, this Writ Appeal is **disposed of** without expressing any view on merits. As a consequence of restoring the writ petition, if any *ad interim* order was in operation in the writ petition, it shall stand revived. No costs.

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

SD/-I. NAGA LAKSHMI
JOINT REGISTRAR

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SECTION OFFICER

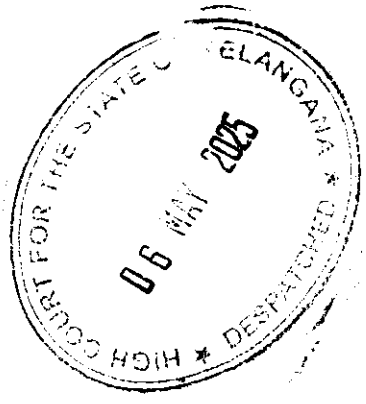
To,

1. The Secretary, Government of Andhra Pradesh erstwhile Presently State of Telangana, Irrigation and Command Area Development, DR.B.R Ambedkar Secretariat Buildings, Hyderabad.
2. The District Collector, Karimnagar District erstwhile presently Rajanna Siricilla District.
3. The Revenue Divisional Officer, Siricilla District, Karimnagar District erstwhile presently Rajanna Siricilla.
4. Joint Collector, Karimnagar District erstwhile at present Rajanna Siricilla District.
5. One CC to SRI. P GIRI KRISHNA Advocate [OPUC]
6. One CC to SRI. RAJASHEKAR THALLAPALLY Advocate [OPUC]
7. Two CCs to GP for Land Acquisition, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CCs to GP FOR IRRIGATION AND COMMAND AREA DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

KKS
BS

HIGH COURT

DATED:21/04/2025



JUDGMENT

WA.No.392 of 2025

DISPOSING THE WRIT APPEAL WITHOUT COSTS

13 M.J
2/5/25