HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY NINTH 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: 221 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated. 06-01-2025, in WP.No. 33496 of 2024. on the file of the High Court.

Between:

Telakapally Chandra Shekhar Sarma, S/o. Narsimhaiah, aged.71 years, Occ. Agriculture, R/o. H.No.4-32-1/134, Plot No.134, Sapthagiri Colony, Tirumalagiri, Kukatpally, Hyderabad, Telangana - 500 072

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, DR. BR Ambetkar Bhavan, Hyderabad.
2. The District Collector, Siddipet District.
3. The Director of Survey, District Land Survey and Records, Office at Collectorate Siddipet District.
4. The inspector of Survey, District Land Survey and Records, Office at Collectorate Siddipet District.
5. The Mandal Surveyor, Komaravelly Mandal, Siddipet District.
6. The Tahsildar, Komaravelli Mandal, Siddipet District.
7. Kaitha Srinivas Reddy, S/o. Kaitha Bal Reddy, Aged about 39 years, Occ. Agriculture, R/o. Plot No.H.No.7-65, Ainapur Village, Komuravelli Mandal, Siddipet District.
8. Kaitha Srinath Reddy, S/o. Kaitha Bal Reddy, Aged about 38 years, Occ. Agriculture, R/o. Plot No.H.No.7-65, Ainapur Village, Komuravelli Mandal, Siddipet District.
9. Syed Rouf Madni, S/o. Syed Ghouse Badan, Aged about 65 years, Occ. Agriculture, R/o. H.No.9-4-135/D/17, Vali Colony, 7 Tombs Road, Shaikpet, Khatija Masjid, Golkonda, Hyderabad.

...RESPONDENTS/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 impugned Notices bearing No.B/677/2024, 8/678/2024 in File No.A3/595/2024, dated 18.11.2024 for conducting Survey of land in Sy.No.304

and 270 situated at Ainapur Village, Komaravelly Mandal, Siddipet District, pending disposal of the above Writ Appeal.

Counsel for the Appellant: SRI B.CHANDRASEN REDDY, SENIOR COUNSEL FOR SRI B.VAMSHIDHAR REDDY

Counsel for the Respondent Nos.1 TO 6: SRI KATRAM MURALIDHAR REDDY, GP FOR REVENUE

Counsel for the Respondent Nos.7 TO 9: SRI ANANTH NAGESWAR RAO

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.221 of 2025

JUDGMENT *(Per the Hon'ble Smt. Justice Renuka Yara)*

Heard Sri B. Chandrasen Reddy, learned Senior Counsel representing Sri B. Vamshidhar Reddy, learned counsel for the appellant; Sri Katram Muralidhar Reddy, learned Government Pleader for Revenue, for respondent Nos.1 to 6 and Sri Parsa Ananth Nageswar Rao, learned counsel for respondent Nos.7 to 9.

2. This is an Intra-Court appeal preferred by the appellant/writ petitioner aggrieved by the order dated 06.01.2025 passed by a learned Single Judge in W.P.No.33496 of 2024, whereby, a direction was issued to respondent authorities to process the application submitted by respondent Nos.7 to 9 seeking to conduct survey of lands in Sy.Nos.270 and 304 of Ainapur Village, Komaravelly Mandal, Siddipet District.

Facts of the case:

3. The appellant filed W.P.No.33496 of 2024 to declare the action of respondent No.6 in issuing impugned notices bearing

No.B/677/2024, B/678/2024 in File No.A3/595/2024, dated 18.11.2024 for conducting survey of land in Sy.Nos.304 and 270, situated at Ainapur Village, Komaravelly Mandal, Siddipet District, as illegal and consequently to set aside the same.

4. The appellant and his wife are the owners and possessors of agricultural lands to an extent of Ac.1.25 gts., in Sy.No.306/A/1, Ac.3.16 gts., in Sy.No.306/B, Ac 1.22 gts., in Sy.No.306/E, Ac.2.00 gts., in Sy No.306/E, Ac.0.02 gts., in Sy.No.307/A Ac.3.00 gts., in Sy No.307/D, Ac.1.18 gts., in Sy.No.307/G Ac.0.25 gts., in Sy No.307/H/2, Ac.0.18 gts., in Sy.No.308/A/3, total admeasuring Ac.14.24 gts., situated at Ainapur Village, Komuravelly Mandal, Siddipet District. The said lands have been purchased under various sale deeds in the year 2004. At the instance of respondent No.7, the respondent Nos.4 and 5 issued notices dated 11.07.2024 and 30.08.2024 proposing to conduct survey of lands in Sy.Nos.270 and 304, situated at Ainapur Village. Aggrieved by the same, the appellant has raised objections vide letter dated 22.07.2024 and also preferred a writ petition vide W.P.No.26127 of 2024 to set aside the said notices. This Court vide order dated 21.09.2024 directed respondent Nos.5 and 6 herein to consider the objections dated

22.07.2024 and conduct survey strictly in accordance with law by serving notices on all the interested parties.

5. In the interim, respondent Nos.7 and 8 criminally trespassed into the appellant's property and caused damage of property worth Rs.2,50,000/-. In that regard, on the complaint lodged by the appellant, the police registered an FIR against respondent No.8 for the offences under Sections 329(3), 324(5) r/w 3(5) BNS. The appellant protected his land by erecting cement plate wall. Even then, when respondent Nos.7 and 8 are threatening to withdraw the criminal case and are making continuous efforts to grab the appellant's property, the appellant and his wife filed the suit vide O.S.No.501 of 2024 on the file of the 1 Additional Junior Civil Judge, Siddipet seeking perpetual injunction against respondent Nos.7 and 8. Before filing of the said suit, respondent No.7 filed the suit vide O.S.No.474 of 2024 against the appellant and his wife seeking perpetual injunction with respect to land in Sy.No.304/B/1 to an extent of Ac.0.18 gts., land in Sy.No.270/G/1/1/1 to an extent of Ac.0.11 gts. and land in Sy.No.304/1 to an extent of Ac.0.10 gts., situated at Ainapur Village, Komuravelly Mandal, Siddipet District.

6. Pursuant to the order dated 21.09.2024 in W.P.No.26127 of 2024 passed by this Court, respondent Nos.5 and 6 issued the impugned notices dated 18.11.2024 for conducting the survey of lands in Sy.Nos.304 and 270, which are as follows:

Government of Telangana
Office of Tahsildar, Komuravelli Mandalam
Siddipeta District

File No. A3/535/2024 B/678/2024 W.P.No.26127 of 2024 dt: 18.11.2024

SURVEY NOTICE

SUBJECT: Land measurements - fixing of boudnareis- siddipet district, komuravelli mandalam, Ayinapur village Sy.Nos.304, 270 to fix the boundary by the mandal suvenuyor - reg.

Ref: Application filed by Kaitha Srinnivas Reddy, S/o. Bal Reddy

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With regard to the above subject matter, this is to inform you that, the Mandal Survyeor will fix the date i.e 02.12.2024 morning at 10.00 am for conducting of survey by fixing up the boundaries of the land in Sy.Nos. 304, 270 situated at Ayinapur village, hence, on the said date, the concerned pattedar and surrounding pattecar may kindly appear along with relevant documents

In case the above officers are anybody conduct the survey of the land and the same is in the court and the same is informed to the authority before the survey.

Sd/-
Komuravelli Mandal Surveyor
Siddipeta District

Copy to
Mandal Girdavar, Komuravelli to appear on the above date along with pahani copy
Kayithi Srinivas Reddy, son of Bal reddy the applicant

Syed Ravoof Madar son of Ghousuddin
Syed Althaf Madar son of Ghousuddin
Manja Rajaiah son of Narsaiah
Telkapalli Chandrasekhar Sarma, son of Narsimhaiah
Telkapalli Leela, w/o of Chandrasekhar Sarma
Kallem Ganesh Ba son of Ramakrishna
Sunkari Narsirgu s/o. son of Prakash
Erpula Chandraiah S/o. Agaiah
Muthyamn Anjana S/o. Laxmaiah
Komuravelli Srivas ppar, son of Jogaiah
Aneboyina Malla a S/o. Yellaiah
Janagam Srikanth son of Balaiah
Errolla Srinivas, S Mallaiah

Mergu Pegondaswamy, son of Balaiah
Matchimadla Muthaiah, son of laxmaiah
Anneboyina Poshaiah, son of Yellaiah

Government of Telangana
Office of Tahsildar, Komuravelli Mandalam
Siddipeta District

File No. A3/595/2024 B/677/2024 W.P.No. 26127 of 2024 dt 18.11.2024

SURVEY NOTICE

SUBJECT: Land measurements - fixing of boudnareis- siddipet district, komuravelli mandalam, Ayinapur village Sy.Nos.304, 270 to fix the boundary by the mandal suvenuyor - reg.

Ref: Application filed by Sayyed Rough Madani, son of Ghousebadan

****

With regard to the above subject matter. this is to inform you that, the Mandal Survyeor will fix the date i.e., 02.12.2024 morning at 10.00 am for conducting of survey by fixing up the boundaries of the land in Sy.Nos.304, 270 situated at Ayinapur village, hence, on the said date, the concerned pattedar and surrounding pattedar may kindly appear along with relevant documents

In future the above officers are anybody conduct the survey of the land and the same is in the court and the same is informed to the authority before the survey.

Sd/-
Komuravelli Mandal Surveyor
Siddipeta District

Copy to
Mandal Girdavar, komuravelli to appear on the above date along with pahani copy
Syed Ravoof madani, son of Ghousebaddan
Telkapall Chandrackhara sarma, son of Narsimaiah
Yerolla Srinivas, son of Mallaiah
Kallem Ganesh, son of Ramakrishna
Erpula Chandraiah, S/o. Agaiah
Kayithi Srinvias Teddy, son of Bal reddy
Syed Althaf Madani, son of Ghousuddin
Pittala Kanukaiah, son of Mallaiah
Janagam Srikanth, son of Balaiah
Mergu Pegondaswamy, son of Balaiah
Patchimadla Muthaiah, son of Laxmaiah
Aneboyina Poshaiah, S/o. Mallaiah
Telkapalli Leela, wife of Chandrasekhar Sarma
Manja Rajaiah, son of Narsaiah
Manja Kanakaiah, son of narsaiah
Mutyam Anjaiah, son of Laxmaiah
Komuravelli Shivakumar, son of Jogaiah
Annaboyina Mallaiah, son of Yellaiah
Sunkari Narsinga Rao, sonof Prakash
Md. Afzal Pasha, son of Husman Ale

7. The appellant is aggrieved by the aforesaid survey notices as respondent No.5-The Mandal Surveyor, Komaravelly Mandal, Siddipet District did not pass a detailed order referring to the objections dated 22.07.2024 as directed by this Court vide order dated in 21.09.2024 in W.P.No.26127 of 2024, but directed the appellant to attend the survey proposed to be conducted on 02.12.2024. Assailing the said notices, he filed present W.P.No.33496 of 2024. The learned Single Judge referring the suits filed by the respective parties and the representations made for conducting survey prior to the filing of the suits having fulfilled all the requirements of circular instructions issued by the Commissioner, had disposed of the said writ petition on the premise that mere conducting of survey does not confer any title or ownership nor does it take away rights of the parties. Further, it is held that the survey is meant for fixing the boundaries without referring to the inter-se disputes between the parties and therefore, directed the respondent authorities to conduct survey by issuing notices to all interested parties and also considering their objections. Hence, the writ appeal.

Contentions of the writ appellant:

8. Learned Senior Counsel for the appellant argued that the

order passed by the learned Single Judge is erroneous as the objections raised by the writ appellant vide letter dated 22.07.2024 have not been taken into consideration by respondent Nos.5 and 6 and the impugned notices were issued in violation of the orders of this Court dated 21.09.2024 in W.P.No.26127 of 2024. Further, it is argued that respondent Nos.7 and 8 have sold their entire land and that there is no agricultural land available to them in Sy.Nos.304 and 270 of Ainapur Village as said land is converted into plots and sold to third parties. It is vehemently argued that conducting the survey is going to have an adverse effect on the interest of the appellant in O.S.No.501 of 2024 and therefore, objected to conduct of survey and prayed to set aside the impugned notices. The writ appellant relied upon judgment of a Division Bench of this Court in **Akku Laxman Rao vs. IDPL Employees Cooperative Housing Society**[1].

Contentions of respondent Nos.7 to 9:

9. The learned counsel for respondent Nos.7 to 9 supported the impugned order passed by the learned Single Judge alleging that the appellant does not have any interest in land in Sy.Nos.304 and 270 of Ainapur Village as their land is located in

[1] 2021 SCC OnLine TS 1983

Sy.Nos.306/A/1, 306/B, 306/D, 306/E, 307/A, 307/D, 307/G, 307/H/2 and 308/A/1/3 but not in Sy.Nos.304 and 270. Further, it is argued that the notices of respondent Nos.4 and 5 were issued prior to the institution of suits in O.S.Nos.474 of 2024 and 501 of 2024. The respondents argued that pendency of a civil suit does not come in the conduct of survey. In support thereof, respondents relied upon judgment of a Division Bench of this Court in **W.A.No.1085 of 2024** and orders passed by this **Court W.P.Nos.32785 of 2022 and 15666 of 2024**. They further relied on the orders passed by the Madras High Court in **WMP (MD) Nos.17420, 17421, 17422 of 2023 and W.P.(MD) No.5491 of 2023.**

Contentions of learned Government Pleader for Revenue for respondent Nos.1 to 6 :

10. The learned Government Pleader urged that impugned notices are issued pursuant to the order of this Court in W.P.No.26127 of 2024, dated 21.09.2024.

11. Considered the arguments of learned Senior Counsel for the appellant, learned Government Pleader for revenue for respondent Nos.1 to 6 and learned counsel for respondent Nos.7

to 9, perused the record and the citations relied upon by both the learned counsel.

Analysis of the Court:

12. A perusal of the record, more particularly, the suits filed by the respective parties vide O.S.No.474 of 2024 filed by respondent No.7 and O.S.No.501 of 2024 filed by the writ appellant and his wife show that there is dispute about the location of the property on ground and both the counsels admit that there are boundary disputes. Both the parties are alleging interference on the part of another and have sought perpetual injunction by filing respective suits.

13. It is crucial to note that the appellant is claiming land in Sy.Nos.306, 307 and 308 of Ainapur Village, whereas respondent No.7 is claiming right and title over the land in Sy.Nos.304 and 270 of Ainapur Village. At a glance, it appears that the rival parties are claiming rights over land in different survey numbers. However, pleadings of the suits disclose that there is a serious dispute about the identity of their respective lands on ground, due to which, the writ appellant got a criminal case registered against respondent No.8 alleging illegal trespass and damage to his property. Even before the parties approached civil court,

respondent No.7 had made an application to respondent Nos.5 and 6-The Tahsildar and the Mandal Surveyor for conducting survey of land in Sy.Nos.304 and 270, pursuant to which, notices were issued and said notices became subject matter of W.P.No.26127 of 2024.

14. This Court disposed of the said writ petition to conduct the survey by considering the objections dated 22.07.2024 raised by the writ appellant and by issuing notices to all the concerned. While so respondent No.5-The Mandal Surveyor issued the impugned survey notices by complying one of the direction of this Court i.e. issuing notices to all the persons who are owning land in concerned survey numbers i.e. 304 and 270. With respect to second direction i.e., to give a detailed reasoned order on the objections raised by the writ appellant, the impugned survey notices dated 18.11.2024 are bereft of reasons for the objections dated 22.07.2024. The said notices have a reference of W.P.No.26127 of 2024, but, does not give any reasons for disregarding the objections raised by the writ appellant for conducting survey. However, said point has lost the notice of the learned Single Judge and therefore, reiterated the previous directions of this Court in the order dated 21.09.2024 in

W.P.No.26127 of 2024. In essence, in case, respondent Nos.5 and 6 proceed with survey without passing detailed order on the objections raised by the writ appellant, the same would be a violation of this Court's order in W.P.No.26127 of 2024.

15. The judgment of this Court in **Akku Laxman Rao's case (1 Supra)** relied upon by the appellant is relevant to the instant case to the extent that there is no surviving interest for respondent Nos.7 and 8 in Sy.Nos.304 and 270 as they have allegedly sold the entire land to third parties by converting into plots. If so, locus standi of respondent Nos.7 and 8 seeking to conduct survey would be in question. Even so, since the order of this Court in W.P.No.26127 of 2024 is not challenged and has attained finality, neither the issue of locus standi nor the issue of conducting the survey during the pendency of civil suits can be revisited.

16. Among the decisions relied upon by the respondent Nos.7 to 9, this Court is in conformity with the legal ratio laid down by this Court and the Madras High Court in relevant citations (supra) that pendency of litigation before Courts is not a bar for the authorities to conduct survey or resurvey in the absence of

any stay/interim order/interim injunction from proceeding further. Consequently, this Court is not questioning the validity of impugned notices merely on account of pending suits but on account of failure on the part of respondent Nos.5 and 6 in passing a reasoned order to the objections raised by the writ appellant. Hence, the writ appeal has to be allowed by setting aside the impugned notices bearing No.B/677/2024, B/678/2024 in File No.A3/595/2024, dated 18.11.2024.

17. In the result, the writ appeal is allowed and the impugned notices bearing No.B/677/2024, B/678/2024 in File No.A3/595/2024, dated 18.11.2024 issued by respondent authorities are set aside.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Secretariat, DR. BR Ambetkar Bhavan, Hyderabad, State of Telangana.
2. The District Collector, Siddipet District.
3. The Director of Survey, District Land Survey and Records, Office at Collectorate Siddipet District.
4. The inspector of Survey, District Land Survey and Records, Office at Collectorate Siddipet District.
5. The Mandal Surveyor, Komaravelly Mandal, Siddipet District
6. The Tahsilcar, Komaravelli Mandal, Siddipet District.
7. One CC to SRI B.VAMSHIDHAR REDDY, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad [OUT]
9. One CC to SRI ANANTH NAGESWAR RAO, Advocate [OPUC]
10. Two CD Copies

PSK.
LS

HIGH COURT

DATED:29/04/2025

JUDGMENT

WA.No.221 of 2025



ALLOWING THE WRIT APPEAL WITHOUT COSTS

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