

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE TENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NOS: 11145 OF 2021, 14057, 25088 & 25090 of 2024

W.P.No.11145 OF 2021

Between:

M/s. Suncore Power Projects Private Limited, Represented by Datla Srinivasa Raju Having its registered office at Room No. 203. H. No. 8-3-224/4/A/11 and 12. Madhura Nagar. Yusufguda. Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Revenue Department. Represented by its Principal Secretary. Secretariat Building. Hyderabad. Telangana.
2. The District Collector, Hyderabad District. Hyderabad. Telangana.
3. Mandal Revenue Officer, Khairtabad Mandal. 6-3-628/9/1. Anand Nagar Colony. Khairtabad-500004.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction. more particularly a writ in the nature of mandamus to declare the action of the Respondent authorities in interfering with the possession of the Schedule Property belonging to Petitioner Company as illegal, arbitrary, unconstitutional and consequently restrain the Respondent authorities from interfering with the possession of the land admeasuring 1495.72 square yards forming part of Sy No 116/4, Plot No 11, bearing door no 8-2-248/A/1, 8-2-248/A/1/P, Khairtabad village and Mandal, Hyderabad District belonging to the Petitioner Company except in accordance with law.

I.A. NO: 1 OF 2021

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 authorities from interfering with the possession Schedule Property including construction on the land admeasuring 1495.72 square yards forming part of Sy No 116/4. Plot No 11, bearing door no 8-2-248/A/1, 8-2-248/A/1/P, Khairtabad village and Mandal, Hyderabad District belonging to Petitioner Company.

I.A. NO: 2 OF 2021

Between:

1. The State of Telangana, Revenue Department. Represented by its Principal Secretary. Secretariat Building. Hyderabad. Telangana.
2. The District Collector, Hyderabad District. Hyderabad. Telangana.
3. Mandal Revenue Officer, Khairtabad Mandal. 6-3-628/9/1. Anand Nagar Colony. Khairtabad-500004.

... PETITIONER/RESPONDENTS

AND

M/s. Suncore Power Projects Private Limited, Represented by Datla Srinivasa Raju Having its registered office at Room No. 203. H. No. 8-3-224/4/A/11 and 12. Madhura Nagar. Yusufguda. Hyderabad.

... RESPONDENTS/PETITIONER

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 vacate the interim order dated:27.04.2021 in IA.No.1/2021 in WP.No.11145/2021 and dismiss the writ petition.

**Counsel for the Petitioner : SRI AVINASH DESAI, Senior Counsel
rep., SRI T.P.S.HARSHA**

**Counsel for the Respondents: SMT.DIVYA ADEPU, SPL.GP
rep., THE ADVOCATE GENERAL**

WP NO: 14057 OF 2024

Between:

M/s Suncore Power Projects Private Limited, Represented by Chilukuri Kirthi S/o Rajender, aged about 40 years Room No 203, H. No 8 - 3 - 224/4/A/11 and 12, Madhura Nagar, Yusoufguda, Hyderabad

...PETITIONER

AND

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, Secretariat Building, Hyderabad, Telangana
2. The District Collector, Hyderabad District, Hyderabad, Telangana
3. The Revenue Divisional Officer, Secunderabad Division, Hyderabad
4. The Tahsildar, Khairatabad Tahsil, Hyderabad
5. The Sub - Registrar, Erragadda, Hyderabad
6. The Sub - Registrar, Punjagutta, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, (a) Declaring the action of the Respondent No. 4 in issuing the Letter bearing LR. No. C/352/2006 dated 20. 04. 2024 issued by the Respondent No. 4 to the Respondent 5, wherein, the Respondent No. 4 had directed the Respondent No. 5 not to register the property belonging to the Petitioner herein, admeasuring 1495 Sq. Yards in Plot No. 11 of Sy. No. 116/ A situated at Khairatabad Village, Journalist Colony, Banjara Hills, Hyderabad, for being without jurisdiction, illegal, arbitrary, unconstitutional and consequently, set aside the Letter bearing LR. No. C/352/2006 dated 20. 04. 2024 issued by the Respondent No. 4 to the Respondent No. 5 and (b) Set aside all the consequent actions taken by the Respondents pursuant to issuance of the Letter bearing LR. No. C/352/2006 dated 20. 04. 2024 by the Respondent No. 4 to the Respondent 5 including the act of including the property belonging to the Petitioner herein, admeasuring 1495 Sq. Yards in Plot No. 11 of Sy. No. 116/ A situated at Khairatabad Village, Journalist Colony, Banjara Hills, Hyderabad, in the list of prohibited lands under Section 22 - A of the Registration Act, 1908 and (c)

Pass such other order(s) that this Honble Court may deem fit and proper in the interest of justice.

I.A. NO: 1 OF 2024

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 Letter bearing LR. No. C/352/2006 dated 20. 04. 2024 issued by the Respondent No. 4 to the Respondent 5 and all consequential actions taken by Respondents pursuant to issuance of the Letter bearing LR. No. C/352/2006 dated 20. 04. 2024 by the Respondent No. 4 to the Respondent 5 including the act of including the property belonging to the Petitioner herein, admeasuring 1495 Sq. Yards in Plot No. 11 of Sy. No. 116/ A situated at Khairatabad Village, Journalist Colony, Banjara Hills, Hyderabad, in the list of prohibited lands under Section 22 - A of the Registration Act, 1908 pending disposal of the Writ Petition.

I.A. NO: 2 OF 2024

Between:

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, Secretariat Building, Hyderabad, Telangana
2. The District Collector, Hyderabad District, Hyderabad, Telangana
3. The Revenue Divisional Officer, Secunderabad Division, Hyderabad
4. The Tahsildar, Khairatabad Tahsil, Hyderabad
5. The Sub - Registrar, Erragadda, Hyderabad
6. The Sub - Registrar, Punjagutta, Hyderabad

... PETITIONER/RESPONDENTS

AND

M/s Suncore Power Projects Private Limited, Represented by Chilukuri Kirthi S/o Rajender, aged about 40 years Room No 203, H. No 8 - 3 - 224/4/A/11 and 12, Madhura Nagar, Yusoufguda, Hyderabad

... RESPONDENTS/PETITIONER

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 vacate the interim orders dt.06.06.2024 in W.P.No.14057 of 2024 and dismiss the writ petition.

**Counsel for the Petitioner : SRI AVINASH DESAI, Senior Counsel
rep., SRI T.P.S.HARSHA**

**Counsel for the Respondents: SMT.DIVYA ADEPU, SPL.GP
rep., THE ADVOCATE GENERAL**

WP NO: 25088 OF 2024

Between:

M/s Suncore Power Projects Private Limited, Room No 203, H. No 8 - 3 - 224/4/A/11 and 12, Madhura Nagar, Yusoufguda, Hyderabad Represented by Authorized Signatory Chilukuri Kirthi S/ o. K. Rajender, aged about 40 years,

...PETITIONER

AND

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, Secretariat Building, Hyderabad, Telangana
2. The District Collector, Hyderabad, Telangana.
3. The Revenue Divisional Officer, Secunderabad Division, Hyderabad
4. The Tahsildar, Khairtabad Tahsil, Hyderabad
5. The District Registrar, S.R Nagar, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No. 2 in issuing the Letter bearing Lr. No. E1/1559/ 2024 dated 24.07.2024, to the Respondent 5 to be in violation of the orders of this Hon'ble High Court, without jurisdiction, illegal, arbitrary, unconstitutional and consequently, set aside the Letter bearing LR. No. E1/1559/ 2024 dated 24.07.2024, issued by the Respondent No. 2 to the Respondent 5 and all the actions taken by the Respondents pursuant to issuance of the Letter bearing LR. No. E1/1559/2024 dated 24.07.2024, including but not limited to placing the Petitioner's property into the prohibited list.

I.A. NO: 1 OF 2024

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 Letter bearing Lr. No. E1/1559/2024 dated 24.07.2024, issued by the Respondent No. 2 to the Respondent 5.

I.A. NO: 2 OF 2024

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 Respondents from taking any coercive action/steps against the Petitioner Company.

I.A. NO: 3 OF 2024

Between:

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, Secretariat Building, Hyderabad, Telangana
2. The District Collector, Hyderabad, Telangana.
3. The Revenue Divisional Officer, Secunderabad Division, Hyderabad
4. The Tahsildar, Khairatabad Tahsil, Hyderabad
5. The District Registrar, S.R Nagar, Hyderabad

AND

... PETITIONER/RESPONDENTS

M/s Suncore Power Projects Private Limited, Room No 203, H. No 8 - 3 - 224/4/A/11 and 12, Madhura Nagar, Yusoufguda, Hyderabad Represented by Authorized Signatory Chilukuri Kirthi S/ o. K. Rajender, aged about 40 years,

... RESPONDENTS/PETITIONER

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 vacate the interim orders dt: 11.09.2024 passed in IA.No. 1 of 2024 in WP.No.25088 of 2024 and dismiss the writ petition.

Counsel for the Petitioner : SRI AVINASH DESAI, Senior Counsel
rep., SRI T.P.S.HARSHA

Counsel for the Respondents: SMT.DIVYA ADEPU, SPL.GP
rep., THE ADVOCATE GENERAL

WP NO: 25090 OF 2024

Between:

M/s Suncore Power Projects Private Limited, Room No 203, H. No 8 - 3 - 224/4/A/11 and 12, Madhura Nagar, Yusoufguda, Hyderabad Represented by Authorised Signatory Chilukuri Kirthi S/o. K. Rajender, aged about 40 years,

...PETITIONER

AND

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, Secretariat Building, Hyderabad, Telangana
2. The District Collector, Hyderabad, Telangana.
3. The Revenue Divisional Officer, Secunderabad Division, Hyderabad
4. The Tahsildar, Khairtabad Tahsil, Hyderabad.
5. The Commissioner, GHMC, Tank Bund, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No. 2 in issuing the Letter bearing Lr. No. E1/1559/ 2024 dated 24.07.2024, issued by the Respondent No. 2 to the Respondent 5, wherein, the Respondent No. 2 had directed the Respondent No. 5 to direct the concerned to cancel the Building Permission allotted vide No. 1/C/17/11409/ 2020 dated 04.11.2020, to allegedly protect the interest of the government, to be in violation of the orders of this Honorable High Court, without jurisdiction, illegal, arbitrary, unconstitutional and consequently, set aside the Letter bearing LR. No. E1/1559/2024 dated 24.07.2024, issued by the Respondent No. 2 to the Respondent 5, and all consequent actions taken by the Respondents pursuant to issuance of the Letter bearing LR. No. E1/1559/2024 dated 24.07.2024, issued by the Respondent No. 2 to the Respondent 5.

I.A. NO: 1 OF 2024

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 Letter bearing Lr. No. E1/1559/2024 dated 24.07.2024, issued by the Respondent No. 2 to the Respondent 5, 04.11.2020.

I.A. NO: 2 OF 2024

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 Respondents from taking any coercive action/steps against the Petitioner Company.

I.A. NO: 3 OF 2024

Between:

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, Secretariat Building, Hyderabad, Telangana
2. The District Collector, Hyderabad, Telangana.
3. The Revenue Divisional Officer, Secunderabad Division, Hyderabad
4. The Tahsildar, Khairatabad Tahsil, Hyderabad.
5. The Commissioner, GHMC, Tank Bund, Hyderabad

... PETITIONER/RESPONDENTS

AND

M/s Suncore Power Projects Private Limited, Room No 203, H. No 8 - 3 - 224/4/A/11 and 12, Madhura Nagar, Yusoufguda, Hyderabad Represented by Authorised Signatory Chilukuri Kirthi S/o. K. Rajender, aged about 40 years,

... RESPONDENTS/PETITIONER

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 vacate the interim orders dt: 11.09.2024 passed in WP.No.25090 of 2024 and dismiss the writ petition.

**Counsel for the Petitioner : SRI AVINASH DESAI, Senior Counsel
rep., SRI T.P.S.HARSHA**

**Counsel for the Respondents No.1to5 : SMT.DIVYA ADEPU, SPL.GP
rep., THE ADVOCATE GENERAL**

The Court made the following: COMMON ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION Nos.11145 of 2021, 14057,

25088 and 25090 of 2024

Dated 10th July, 2026.

Between:

M/s. Suncore Power Projects Private Limited

... Petitioner

AND

The State of Telangana,
Revenue Department,
Represented by its Principal Secretary,
Secretariat Building, Hyderabad,
Telangana and others.

... Respondents

COMMON ORDER:

Since the *lis* raised in all these writ petitions is *inter se* related with each other, they are taken up together, heard and being disposed of by this common order.

2) Writ Petition No.11145 of 2021 is filed questioning the action of the respondent authorities in interfering with the possession of the petitioner Company in respect of the land admeasuring 1495.72 square yards forming part of survey No.116/4, Plot No.11 bearing Door No.8-2-248/A/1, 8-2-248/A/1/P at Khairatabad Village and

Mandal, Hyderabad District (in short 'subject property') and consequently to direct the respondents not to interfere with the possession of the petitioner in respect of the subject property.

3) Writ Petition No.14057 of 2024 is filed seeking to declare the letter bearing Lr.No.C/352/2006 dated 20.04.2024 addressed by the Tahsildar, Khairathabad, to the Sub-Registrar, Erragadda, not to register the subject property, as illegal and arbitrary.

4) Writ Petition No.25088 of 2024 is filed seeking to declare the letter bearing Lr.No.E1/1559/2024 dated 24.07.2024 addressed by the District Collector to the District Registrar, S.R. Nagar, not to entertain any sales/transactions in respect of the subject property, as illegal and arbitrary.

5) Writ Petition No.25090 of 2024 is filed questioning the letter bearing No.E1/1559/2024 dated 24.07.2024 addressed by the District Collector, to the Commissioner, GHMC, to cancel the building permission granted in respect of the subject property.

6) Facts leading to filing of the present writ petitions as well as the case of the petitioner, in a nutshell, are that originally the land to an extent of Acs.7-35 guntas in survey No.116/1 of Khairatabad Village was purchased in public auction by one late Sri Pingali Venkat Ram

Reddy for a sum of Rs.30,000/- in 1353 Fasli i.e. in the year 1943. In turn, said Venkat Ram Reddy had sold the said land to one K. Gopal Rao and others through registered Sale Deed bearing document No.216 of 1356 Fasli i.e. in the year 1946. Thereafter, K.Gopal Rao and others have obtained permission from the Municipal Corporation of Hyderabad vide File No.139/140/2F dated 15.07.1963 and divided the property into number of plots and sold the same to several persons and the above said land in survey No.116/1 was re-numbered as 116/4. Out of the said land, one Pan Bai Pannalal Pitti Memorial Charitable Trust had purchased the land, in which the subject property falls, from K.Gopal Rao and others vide registered sale deed No.2041/1963 dated 09.03.1963. Thereafter, the said Trust executed a sale deed vide document No.1694/1994 dated 20.06.1994 in favour of Gayathri Devi Badruka and three others in respect of the property bearing municipal Nos.8-2-248/A/1, 8-2-248/A/1/P, 8-2-248/A/1/P/1 and 8-2-248/A/1/P/2 in plot No.11 in survey No.116/4 situated at Khairatabad Village, Journalist Colony, Banjara Hills, Hyderabad, consisting of building and land appurtenant thereto admeasuring 747.86 Sq. Yards and also document No.1695/1994 in respect of property bearing municipal Nos.8-2-248/A/1, 8-2-248/A/1/P, 8-2-248/A/1/P/1 and 8-2-248/A/1/P/2 in plot No.11 in

survey No.116/4 situated at Khairatabad Village, Journalist Colony, Banjara Hills, Hyderabad, consisting of building and land appurtenant thereto admeasuring 747.86 Sq. Yards totally admeasuring 1495.72 Sq. yards. Thereafter, said Gayathri Devi Badruka and others have executed a Memorandum of Deposit of Title Deeds dated 12.08.2010 in favour of Bajaj Auto Finance Limited and mortgaged the subject property vide document No.3178/2010. Further, the Bajaj Auto Finance Limited had further assigned its rights in respect of the subject property to Asset Reconstruction Company India Ltd (in short 'ARCIL') through an Assignment Agreement dated 30.11.2017 vide document No.351/IV/17. In view of such assignment, Gayathri Devi Badruka and others have to clear the loan by paying amounts to ARCIL. As Gayathri Devi Badruka and others have failed to repay the loan amounts, they were declared as Non-Profitable Asset (NPA) in accordance with the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act'). Further, on an application being made by the ARCIL in CrI.M.P.No.5567 of 2017, the Chief Metropolitan Magistrate, Nampally, Hyderabad, vide order dated 09.03.2018 had appointed an Advocate Commissioner, who took possession of the subject property

and handed over the same to ARCIL in execution of warrant and a Sale Certificate dated 20.09.2018 was also issued in favour of the ARCIL. Thereafter, after following due procedure, the ARCIL has auctioned the subject property wherein the petitioner has participated and being the highest bidder, the petitioner has purchased the subject property in the auction conducted under the provisions of SARFAESI Act from ARCIL vide document No.7970/2018 dated 16.11.2018. Since the date of purchase, the petitioner Company has been in continuous possession of the schedule property and also obtained building permission bearing No.1/C17/11409/2020 dated 04.11.2020 for construction of building and also started construction.

6.1) While so, on 17.11.2020, the respondent authorities came to the subject property and tried to interfere with the possession of the petitioner stating that the same belongs to Government. Immediately, on 18.11.2020, petitioner made a representation to respondent No.3 clearly explaining the flow of title and requesting the authorities to refrain from taking any illegal action. However, on 31.03.2021, again the authorities have tried to interfere with the possession of the petitioner. During the interregnum period i.e. on 21.11.2020, the petitioner Company received a notice from the Inspector of Police, Panjagutta, Hyderabad, informing about registration of crime

No.634/2020 dated 17.11.2020 against the petitioner Company and requesting the Director of the petitioner Company to appear before the Police Station. Only after registration of the said crime, the petitioner Company came to know about pendency of W.P. Nos.13497 and 13491 of 2012 filed by Gayathri Devi Badruka and others wherein interim orders of status quo were passed by this Hon'ble Court. Hence, the petitioner has approached this Court and filed W.P.No.11145 of 2021 seeking a direction to the respondent authorities not to interfere with the possession of the petitioner in respect of the schedule property wherein this Court has passed interim order dated 27.04.2021 restraining the respondent authorities from interfering with the possession of the petitioner in respect of the subject property.

6.2) It is the further case of the petitioner that during the pendency of said writ petition i.e. W.P. No.11145 of 2021 and the interim orders passed by this Court in the said writ petition, the Tahsildar, Khairatabad Tahsil, had addressed a letter bearing Lr.No.C/352/2006 dated 20.04.2024 to the Sub-Registrar, Erragadda, requesting not to register the subject property. Challenging the said letter, petitioner had filed W.P. No.14057 of 2024

wherein this Hon'ble Court vide order dated 06.06.2024 has granted interim suspension of the letter dated 20.04.2024.

6.3) While so, based on the report submitted by the Revenue Divisional Officer & Tahsildar, Khairatabad, the District Collector, Hyderabad, had addressed a letter bearing Lr.No.E1/1559/2024 dated 24.07.2024 to the District Registrar, S.R. Nagar, Hyderabad, requesting not to entertain any sales/transaction in the subject property. Questioning the same, the petitioner filed W.P. No.25088 of 2024 wherein this Court vide order dated 11.09.2024 has granted interim suspension of the letter dated 24.07.2024.

6.4) Similarly, the District Collector, Hyderabad, had addressed the letter vide Lr.No.E1/1559/2024 dated 24.07.2024 to the Commissioner, GHMC, Hyderabad, to cancel the building permission granted to the petitioner in respect of the subject property. Challenging the same, the petitioner had filed W.P. No.25090 of 2024 wherein this Hon'ble Court vide order dated 11.09.2024 has granted interim suspension of the letter dated 24.07.2024.

7) Heard Sri Avinash Desai, learned senior counsel, representing Sri T.P.S. Harsha, learned counsel for the petitioner, and Smt. Divya

Adepu, learned Special Government Pleader, representing the learned Advocate General, for the respondents.

8) Learned senior counsel appearing for the petitioner, while drawing the attention of this Court to several sale deeds, to explain the title flow to the petitioner in respect of the subject property, has contended that the petitioner had purchased the schedule property in the public auction conducted by ARCIL under the provisions of SARFAESI Act and at the time of purchase, the subject property was not included in the list of prohibited properties. Learned senior counsel has contended that the status quo orders were passed by this Court after the land was mortgaged by Gayathri Devi Badruka & others to Bajaj Auto Finance. Therefore, the status quo orders are not applicable to the pre-existing rights accrued by Bajaj Auto Finance by way of mortgage, which subsequently resulted in public auction wherein the petitioner has purchased the subject property. It is settled principle of law that under Order XXXVIII Rule 10 of the Code of Civil Procedure, any attachment shall not affect the rights existing prior to the attachment. Therefore, the status quo orders passed by this Court cannot affect the pre-existing rights accrued through mortgage to the Bajaj Auto Finance and later to the ARCIL, which are the predecessor-in-title to the petitioner. Further, the

status orders do not come in the way of petitioner's right to enjoy the subject property and the respondent authorities without any basis or material to support their title to the subject property have issued the impugned notices, which is illegal and arbitrary. Further, it is settled law that the State cannot declare themselves to be the owners of the property in a summary manner and cannot resort to summary proceedings under the Land Encroachment Act without proving their title over the subject property before appropriate Forum. When the petitioner Company has clearly established the title flow to it from the year 1356 Fasli i.e. 1946, the respondent authorities cannot unilaterally declare the property to be the property of the State and try to dispossess the petitioner from the subject property. Further, while placing reliance on the order dated 11.10.2006 passed by this Court in W.P. No.21013 of 2016, the learned Senior counsel has contended that the respondent authorities cannot claim the subject property to be Government land merely relying on the TSLR entries. Further, the petitioner is in continuous possession of the subject property and obtained all necessary permissions from the competent authorities for development of the subject property. That apart, the ARCIL i.e. the vendor of the petitioner was put in possession of the subject property on 20.09.2018 by the Advocate Commissioner by

virtue of execution of warrant issued by the Chief Metropolitan Magistrate, Nampally, Hyderabad, in CrI.M.P.No.5567 of 2017 dated 09.03.2018. Therefore, the respondent authorities cannot interfere with the possession of the petitioner claiming the property to be the Government property without proving its title before the Civil Court.

8.1) Learned senior counsel has further submitted that ignoring and disobeying the interim order dated 27.04.2021 passed by this Court in W.P. No.11145 of 2021, the Tahsildar, Khairatabad, has addressed the letter dated 20.04.2024 to the Sub-Registrar, Erragadda, informing not to register the subject property, without any authority of law. As per Section 22-A (1) (b) of the Registration Act, 1908, only the District Collector is the competent authority to issue such directions. Further, when the strong prima facie case and balance of convenience lies in favour of the petitioner, issuance of the letter dated 20.04.2024 is in clear violation of law and contrary to the judgment of the Full Bench of this Court in **Vinjamuri Rajagopala Chary v. Principal Secretary, Revenue Department, Hyderabad**¹.

8.2) Further, the learned senior counsel has contended that the District Collector, Hyderabad, had addressed the letter vide

¹2015 SCC OnLine Hyd 407

Lr.No.E1/1559/2024 dated 24.07.2024 to the District Registrar, Hyderabad, stating that the land in survey No.116/1 is classified as 'Government land' and that the petitioner herein had obtained building permission from the GHMC authorities without obtaining any consent from the revenue authorities as the land in question is a government land. Learned senior counsel has vehemently contended that on one hand the District Collector is stating that the land in survey No.116/1 is a Government Land and on the other the District Collector has requested the District Registrar not to entertain any sales/transactions in respect of the property belonging to the petitioner herein, which is in fact situated in survey No.116/4 or 166/A, which is admittedly not a government land, and not in survey No.116/1. Learned senior counsel has further contended that the Full Bench of this Court in **Vinjamuri Rajagopala Chary's case (referred supra)** has framed the guidelines to be followed for classifying any land/immovable property as government land. However, without following the said guidelines, the District Collector has unilaterally issued the letter dated 24.07.2024, which is nothing but abuse of process of law. Further, the District Collector has no power whatsoever to direct the District Registrar not to entertain any sales/transactions in respect of the subject property more so when

the subject property is existing in survey No.116/4 or 116/A and not in survey No.116/1.

8.3) Learned senior counsel has further contended that the District Collector is not vested with any power to address the letter No.E1/1559/2024 dated 24.07.2024 to the Commissioner, GHMC, to cancel the building permission granted to the petitioner and the petitioner is not issued with any prior notice. Hence, the action of the District Collector is in clear violation of principles of natural justice. Therefore, the learned senior counsel prayed this Court to allow the writ petitions, as prayed for. Reliance has been placed on:

- a) Interim order dated 06.11.2025 passed in W.P. No.11145 of 2021;
- b) ***State of A.P. v. Prameela Modi***²;
- c) ***Government of Andhra Pradesh v. Thummala Krishna Rao***³;
- d) ***The Special Dy. Collector v. Konda Lakshman Bapuji***⁴;
- e) ***Hyderabad Potteries Private Limited v. Collector, Hyderabad***⁵;
- f) ***The State of Telangana v. Blue Wings Developers***⁶;
- g) ***Durga Enterprises (P) Ltd. v. Principal Secretary, Govt. of U.P.***⁷;
- h) ***Dr Bal Krishna Agarwal v. State of U.P.***⁸(service matter-verify)

²(2006) 13 SCC 147

³(1982) 2 SCC 134

⁴MANU/AP/0242/1983

⁵2001 (3) LAD 600

⁶MANU/TL/0017/2023

⁷(2004) 13 SCC 665

9) Per contra, the learned Special Government Pleader has contended that the subject property claimed by the petitioner falls in T.S. No.75, Block-J, Ward-89, correlating to Survey No.116/1 of Khairatabad Village and the same is classified as Government land. As per Town Survey records, the land in survey No.116/1 to an extent of Acs.29-19 guntas is recorded as 'Poramboke Sarkari'. Further, the sale deed of the petitioner mentions the survey number as 116/A, which does not even exist, and in fact the subject land actually falls in survey No.116/1, which is a Government land. The TSLR records, revenue records and location sketch prepared from the said records clearly identify and localise the subject land to be falling in survey No.116/1 but not in survey No.116/4 as claimed by the petitioner. As per the pahanies, survey No.116/1 of Khairatabad Village to an extent of Acs.29-19 guntas recorded as 'Poramboke Sarkari'. As per Town Survey Record, T.S. No.75, Block-J, Ward-89 correlated to survey No.116/1 Part is recorded as Sarkari in column No.10 and 'G-Government' in column No.20 and there is no survey No.116/A in Khairatabad Village. As such, the alleged document No.7970/2018 relied upon by the petitioner cannot create any right or title to the petitioner to claim the subject land.

⁸(1995) 1 SCC 614

9.1) Learned Special Government Pleader further submitted that the claim of the petitioner that the Advocate Commissioner has delivered possession of the subject property and sale certificate was issued by ARCIL are all invented to grab the valuable Government property and therefore the same is not binding on the respondents as they are not parties to the said proceedings. Further, the alleged building permission dated 04.11.2020 was obtained by the petitioner by suppressing the material facts before the GHMC and the authorities of GHMC without seeking land status report from the revenue authorities have sanctioned construction permission without examining the government interest over the said property. Further, mere sanction of construction permission does not create any right or title to the petitioner. The learned Special Government Pleader has specifically contended that the claim of the petitioner that survey No.116/1 has been renumbered as survey No.116/4 is incorrect and further contended that the land falling in survey No.116/4 is classified as private land but the land claimed by the petitioner is different and distinct and the same falls in survey No.116/1, which is classified as Government land. Thus, under the guise of the documents relating to survey No.116/4, the petitioner is claiming rights in respect of the land in survey No.116/1. It is further

contended that as the subject property falls in survey No.116/1 corresponding to T.S. No.75, Block-J, Ward No.89 of Khairatabad Village, which is Government Land, the revenue authorities have initiated proceedings under the provisions of Andhra Pradesh Land Encroachment Act against Gayatri Devi Badruka, who is the predecessor-in-title of the petitioner. In W.P. Nos.13497 and 13491 of 2012, this Hon'ble Court has issued interim direction on 05.06.2018 restraining the authorities from interfering with the possession. Therefore, the subsequent developments averred by the petitioner are not binding on the authorities and the petitioner is bound to honor the said directions and maintain status quo in respect of the subject property till the dispute is resolved. It is further submitted that as W.P.No.21013 of 2006 was filed against GHMC questioning non-issuance of construction permission to the petitioner therein, the orders in the said writ petition cannot be made applicable to the case on hand. Learned Special Government Pleader has further submitted that the subject land is vacant on ground with the custody of the Government and kept in the land bank vide L.B.No.1129. As the petitioner, under the guise of sale deed dated 20.09.2018 stated to have been executed by ARCIL and the construction permission issued by the GHMC, is trying to take up the construction work in the

subject land changing the nature of the lands contrary to the order dated 27.04.2021 passed by this Court in W.P. No.11145 of 2021, the authorities have resisted the action of the petitioner in order to protect the Government land.

9.2) It is further contended that Town Survey was conducted in Hyderabad District during the period 1964-1971 by the Deputy Director, Survey & Land Records, Hyderabad District, under the provisions of A.P. Survey & Boundary Act, 1923. Thereafter, after issuing notices to all the owners of the subject properties and calling their objections, records were implemented in 1981-82. The Location Sketch Map indicating survey No.116/1 and 116/4 prepared by the Deputy Inspector (S&LR), and the Record of Measurements (ROM) and Town Survey Land Records (TSLR) reveal that survey No.116/1 co-relates to T.S. No.75, Block-J, Ward No.89 and the subject land is continuously included in Land Book Parcel as well as in POB (Prohibitory of Book). Further, the issue has arisen in the year 2020 when the petitioner started construction in survey No.116/1, which is a government property, on the premise of construction permission granted in survey No.116/A, and therefore, the respondents started taking action. However, the petitioner has approached this Hon'ble Court in W.P. No.11145 of 2021 alleging interference from the official

respondents. But, in such a situation, the petitioner ought to have approached the competent Civil Court by filing appropriate civil suit for injunction. Further, the petitioner himself is not clear as to whether the subject property lies in survey No.116/4 or 116/A since in W.P.No.11145 of 2021, the petitioner is claiming that the subject property is in survey No.116/4 whereas in W.P. No.14057 of 2024, the petitioner is claiming that the subject property is in survey No.116/A. Therefore, the identification of the land of the writ petitioner is in dispute as the claim of the respondent authorities is that it falls in survey No.116/1, which is a government land. The petitioner has approached this Court for adjudication of disputed questions of fact without approaching the Civil Court. Further, there is no such survey No.116/A in Khairatabad Village.

9.3) Learned Special Government Pleader has further contended that it is settled law that pure disputed questions of fact cannot be decided on the basis of documents filed in the writ petition and in such cases evidence has to be led by the parties and the appropriate remedy would be to file a civil suit for adjudication of the same. It is further contended that the subject land is recorded as government land vide No.8300008 with vacant on the ground to an extent of 1495 Sq. Mtrs. as verified in the Land Book Register. Further, the Joint

Collector, Hyderabad District, has rejected the request of the petitioner for NOC vide File No.N2/3123/2006 dated 07.10.2007 on the ground that the subject land is government land and further directed the Municipal Corporation, Hyderabad, not to accord any building permission. Suppressing the same, the petitioner has obtained the building permission dated 04.11.2020 from GHMC. Hence, the said building permission does not create any right or title to the petitioner. Further, it is well settled principle of law that any building permission accorded over the Government land is not valid under law and is null and void.

9.4) Learned Special Government Pleader as further contended that in ***Vinjamuri Rajagopala Chary's case (referred supra)***, it has been categorically held that any grievance of the parties with reference to the properties covered by clauses (a) to (d) will have to be questioned by the aggrieved parties only by appropriate proceedings before a competent Civil Court and the adjudication of such courts would be final. If the petitioner is aggrieved by the action of the authorities in placing the subject property in prohibitory list, it ought to have approached the competent Civil Court for proper adjudication. The petitioner had approached this Hon'ble Court without there being any violation of fundamental right that too when there exists a proper

remedy available for redressal of its grievance. Further, in W.P.No.28300 of 2007 vide order dated 19.10.2023, this Hon'ble Court has held that the subject property kept under Section 22-A of the Registration Act does not violate the right to hold the property. Learned Special Government while referring to the judgment in ***Prameela Modi's case (referred supra)***, has contended that the Hon'ble Apex Court has upheld that survey No.116/1 is a Government land. Relying on the same, the petitioner contended that survey No.116 is divided into sub-parts. The authorities are not disputing sub-division of survey No.116, but it is the specific claim of the authorities that the property claimed by the petitioner falls in survey No.116/1, which is admittedly a government land.

9.5) Learned Special Government Pleader has further contended that the petitioner has prematurely approached this Court in W.P. No.25090 of 2024 challenging the letter dated 24.07.2024, which is merely an inter departmental communication between the District Collector and Commissioner, GHMC, and therefore the said writ petition is liable to be dismissed since there is no cause of action. The Hon'ble Supreme Court, in ***State of Orissa v. Mesco Steels***

Limited⁹, has held that the writ petition filed seeking interference at pre-decisional stage with provisional decision which constituted only a step-in process of taking final decision by the authority must be treated as premature. Therefore, it is prayed to dismiss all the writ petitions as devoid of merits. Reliance has also been placed on:

- a) Judgment dated 07.07.2023 passed by the Division Bench in Writ Appeal No.484 of 2017;
- b) **M.Yadagiri Reddy v. V.C. Brahmanna**¹⁰
- c) M/s. Invecta Technologies Private Limited v. Government of Andhra Pradesh. Writ Petition Nos.28300 of 2007 & batch dated 19.10.2023.
- d) Common order dated 21.02.2025 passed by the Division Bench of this Court in I.A. Nos. 1 and 2 of 2023 in Writ Appeal No.484 of 2017.

10) In reply, the learned senior counsel appearing for the petitioner has submitted that the survey No.116/1 was divided into survey Nos.116/1 to 116/5 and the subject land falls within survey No.116/4, which is a private land and is amidst of series of private lands. Further, as per sale deed document No.1694/94 dated 20.06.1994, it was rightly described that the subject land forms part

⁹[2013] 4 SCC 340

¹⁰2004 SCC OnLine AP 949

of survey No.116/4, which is not a government land and that a transcribing error occurred when the schedule in the sale deed No.1694/94 dated 20.06.1994, due to which, survey No.116/4 was mentioned as 116/A. As such, the revenue records and the Town Survey Record relied by the authorities do not pertain to the subject land as the said records pertain to survey No.116/1 but not survey No.116/4, which is not a government land. Further, as held by the Hon'ble Supreme Court in Prameela Modi's case (referred supra), the factum of division of survey No.116/1 to 116/1 to 116/5 was not carried out in the TSLR records erroneously. Further, the petitioner had clearly established the title flow to the petitioner from 1356 fasli i.e. year 1946 and the tile of the predecessor-in-title of the petitioner is also clearly established in Khasra Pahani for the year 1954. Further, even according to the record of the authorities i.e. Area Reconciliation Statement, it records that the lands in survey No.116/1 is government land and it does not include T.S. No.75, Block-J, Ward No.89, as land belonging to the Government. Reliance has been placed on:

11) This Court has taken note of the submissions made by respective counsel and perused the material on record.

12) The main contention of the petitioner is that it is the owner of the subject property, which falls in survey No.116/A or 116/4 having purchased the same in an auction from ARCIL and has been in possession of the same. Further, the petitioner has also filed documents substantiating the title flow from the year 1943 onwards.

13) From the pleadings of both the parties, it is an admitted fact by both the parties that the land in survey No.116/1 was sub-divided into survey Nos.116/1 to 116/5, out of which, the land in survey No.116/1 is the government land and the land in survey No.116/4 is a private land.

14) In the above background, the following issues arise for adjudication before this Court:

1) Whether the Government can claim the ownership rights unilaterally?

2) Whether the subject property falls in survey No.116/1 or 116/4 or 116/A?

3) Whether survey No.116/4 was wrongly mentioned as survey No.116/A in the sale deed document No.1694/94 dated 20.06.1994?

15) Insofar as issue No.1 is concerned, this Court is of the view that the petitioner has established the title flow in respect of the schedule

property through registered sale deeds from the year 1943 onwards and it is its specific case that the subject property falls in survey No.116/A (116/4). However, the respondent authorities contend that the subject property falls in survey No.116/1, which is the Government land. From the above, it is clear that both the parties are unable to identify the location of the land where the subject construction is being undertaken. However, the respondents have unilaterally declared themselves as owners of the subject land.

15.1) In this context, this Court deems it apt to refer that the Hon'ble Supreme Court in **Thummala Krishna Rao's case (referred supra)**, which reads as under:

"The Government cannot decide such questions unilaterally in its own favour and evict any person summarily on the basis of such decision. But duration of occupation is relevant in the sense that a person who is in occupation of a property openly for an appreciable length of time can be taken, prima facie, to have a bonafide claim to the property requiring an impartial adjudication according to the established procedure of law."

15.2) In view of the above settled proposition of law, this Court is of the view that the action of the District Collector in addressing letters to the Registering authorities not to entertain registrations in respect of the subject property and to the Commissioner, GHMC, to cancel the building permissions granted in favour of the petitioner,

unilaterally declaring that the subject property falls in government land, is unsustainable under the law.

15.3) If the State, being the custodian of the government land, is of the opinion that the petitioner is making construction in Government Land, the authorities ought to have approached appropriate Forum for redressal of their grievance, instead of acting unilaterally, and without doing so, the authorities cannot interfere with the possession of the petitioner.

16) Issue Nos.2 and 3 raise disputed questions of fact, which cannot be gone into by this Court while exercising inherent powers under Article 226 of the Constitution of India. It is settled law under Article 226 of the Constitution of India, the Courts should impose self restriction for interfering into disputed questions relating to title and possession.

16.1) In this context, it is apropos to refer to the judgment in ***Municipal Corporation, Aurangabad through its Commissioner vs. State of Maharashtra***¹¹, wherein the Hon'ble Apex Court held that the High Court erred in exercising its jurisdiction under Article 226 of the

¹¹ (2015) 16 SCC 689

Constitution of India in deciding the disputed questions of fact regarding title over disputed land raised by the parties therein.

16.2) Similarly, in **Swati Ferro Alloys Private Limited vs. Orissa Industrial Infrastructure Development Corporation (IDCO)**¹², the Hon'ble Apex Court held that matter involving disputed question of fact about the ownership of the land in question could not be decided in a writ petition under Article 226 of the Constitution of India and that the High Court was justified in directing the parties to approach the civil Court for resolving such dispute.

17) For the afore-mentioned reasons, all the Writ Petitions are allowed as prayed for. However, it is made clear that this order does not preclude the respondent authorities in availing appropriate legal remedies, strictly in accordance with law.

Miscellaneous applications, if any, pending in these writ petitions, shall stand closed. No costs.

//TRUE COPY//

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR



SECTION OFFICER

To,

1. The Principal Secretary, State of Telangana, Revenue Department, Secretariat Building, Hyderabad. Telangana.
2. The District Collector, Hyderabad District. Hyderabad. Telangana.
3. The Mandal Revenue Officer, Khairtabad Mandal. 6-3-628/9/1. Anand Nagar Colony. Khairtabad-500004.
4. The District Collector, Hyderabad District, Hyderabad, Telangana
5. The Revenue Divisional Officer, Secunderabad Division, Hyderabad
6. The Tahsildar, Khairtabad Tahsil, Hyderabad
7. The Sub - Registrar, Erragadda, Hyderabad
8. The Sub - Registrar, Punjagutta, Hyderabad

PTO

9. The Commissioner, GHMC, Tank Bund, Hyderabad
10. One CC to SRI T.P.S.HARSHA, Advocate [OPUC]
11. Two CCs to THE ADVOCATE GENERAL, High Court for the State of
Telangana at Hyderabad. [OUT]
12. Two CD Copies.

BSK

GJP
PMG.

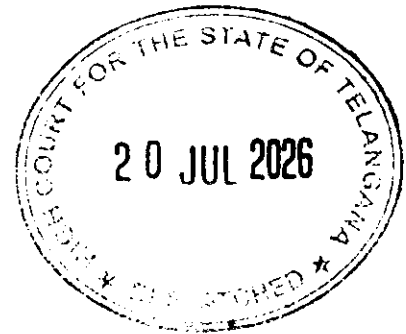
HIGH COURT

DATED: 10/07/2026

CC TODAY

COMMON ORDER

**WP.Nos.11145 OF 2021, 14057,
25088 & 25090 of 2024**



**ALLOWING THE WRIT PETITIONS
WITHOUT COSTS**

15 PMG.
18/7/26.