

HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA**  
**AND**  
**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT APPEAL NO.172 OF 2015**

DATED:03.03.2015

Between:

The State of Telangana  
Represented by its Principal Secretary,  
Municipal Administration,  
Hyderabad and others.

... Appellants.

And

Sunil Kumar.

... Respondent.

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA  
AND  
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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**WRIT APPEAL No.172 OF 2015**

**JUDGMENT:** (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

Both the learned counsel agreed to dispose of the writ appeal without observing any further formality at the admission stage.

This appeal is directed against the interim order, dated 20.11.2014, by which, His Lordship has refused to vacate the interim order passed on 16.07.2014 and has been pleased to fix the hearing of the writ petition in the first week of April, 2015. Ordinarily, this sort of order should not be interfered with by this Court as within a few weeks, the matter can be heard out finally. When the interim order is continuing from July, 2014, there will be no harm if the same is continued for another few days. From the relief portion of the writ petition, we think that the writ petition can also be adjudicated by us.

We have heard the learned Advocate General for the State of Telangana. He submits that the land occupied by the writ petitioner is a road margin, whereas such fact is denied and disputed by the learned counsel for the writ petitioner saying that on the strength of a lease, the writ petitioner is in possession of the property. Learned Advocate General also submits that the ownership or possession thereof cannot be claimed by the writ petitioner under any circumstances. Learned counsel for the writ petitioner – respondent disputes this submission and contends that by virtue of lease granted on 04.08.1998, the property has been transferred to the writ

petitioner and on the strength of which, his client is in lawful possession and he cannot be dispossessed without due process of law.

Looking at the prayer of the writ petition, we are of the view that the aforesaid dispute with regard to the title under no circumstances can be decided effectively by writ Court, but at the same time, when the writ petitioner – respondent is in possession, either lawfully or otherwise, he cannot be dispossessed without due process of law.

We, therefore, dispose of the writ appeal, directing the appellants and their officers concerned not to dispossess the writ petitioner without due process of law. At the same time, we direct the writ petitioner not to transfer or alienate or part with the possession of the property until competent authority decides. Both the parties will be free to take action in accordance with law.

Pending miscellaneous petitions, if any, shall also stand dismissed. There will be no order as to costs.

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**K.J. SENGUPTA, CJ**

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**SANJAY KUMAR, J**

03.03.2015  
GJ/KVNI