

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE SECOND DAY OF JANUARY TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

IA No. 1 OF 2020

IN

WP NO: 28822 OF 2019

Between:

1. Teachers Education Society, a Society registered under A P (Telangana Area) Public Societies Registration Act, 1350 F (Regn.No. 10386/1999) represented by its Secretary, V.Vishwanatham, S/o V.Shivaramulu, aged 69 years R/o 5-3-381 Vidyanagar Colony, Kamareddy Mandal and District
2. Karshak B.Ed College, Kamareddy at D.No. 4-75/2, Near NH 7 Road of Devanpally Shivar, Kamareddy Mandal and District represented by its Correspondent and Secretary, V.Vishwanatham, S/o V.Shivaramulu, aged 69 years R/o 5-3-381 Vidyanagar Colony, Kamareddy Mandal and District

...Petitioners

(Petitioners in WP 28822 OF 2019
on the file of High Court)**AND**

1. State of Telangana, Represented by its Principal Secretary, Higher Education Department at Secretariat, Hyderabad
2. State of Telangana, Represented by its Principal Secretary, Revenue Department at Secretariat, Hyderabad.
3. The District Collector, Kamareddy District at Kamareddy.
4. Government Arts and Science College, Kamareddy 503 111 represented by its Principal

...Respondents

(Respondents in-do-)

Counsel for the Petitioners : Sri S SUDEEP REDDY**Counsel for the Respondents : GP FOR EDUCATION (TG)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to issue interim directions to the Respondents Nos.3 & 4 not to interfere with day to day running of B.Ed. College run by first petitioner society in the name of Karshak B.Ed. College (2nd petitioner), Kamareddy District, Pending disposal of WP No. 28822 of 2019, on the file of the High Court.

The Court made the following

ORDER:

This application is filed seeking issue of interim direction to respondent Nos.3 and 4 not to interfere with day to day running of B.Ed college by the first petitioner society in the name of Karshak B.Ed. college (2nd petitioner), Kamareddy, pending disposal of the Writ Petition.

Heard Sri S. Sudeep Reddy, learned counsel for the petitioner and Learned Government Pleader for Education.

It is submitted by the learned Counsel for the petitioner that the said college was permitted to manage the B.Ed college which was granted to one Kamareddy College Educational Society, Kamareddy (KRCES), which was entrusted to manage the B.Ed college in favour of the 1st petitioner, by virtue of resolution of such Kamareddy College (KRCES) dated 28.03.2019 whereby it is claimed that the petitioner society had invested amounts and constructed the building on the land which has been given by the said society.

On the other hand, learned Government Pleader submits that the said KRCEs had only allowed the petitioner society to manage the Karshak college Education, Kamareddy, which has been sanctioned to the Kamareddy College Educational Society and it is the said Kamareddy College Education Society has applied and obtained permission for construction of the building thereon and the said buildings vested with the Government on account of the society having taken a decision to dissolve itself whereupon the properties have been vested with the Government and thereafter, the Government authorities have held meeting wherein the petitioner society agreed to pay rent in respect of the building on 17.05.2019 where the petitioner is running B.Ed college and, since the petitioner was not paying the rents, notice dated 04.12.2019 has been issued by the authorities calling upon the petitioner to pay the rents immediately.

Having regard to the submissions made and perusing the material on record, it is to be seen that the main relief sought for in the Writ Petition relates to the action of the respondent Nos.3 and 4 in seeking payment of rent from the petitioner society and entering into agreement with the Government for the use of the said premises by the petitioner for running a college in the name of Karshak B.Ed college. Admittedly, the petitioner is in non-payment of rent for which the respondent authorities have issued notice calling upon the petitioner to pay rents in respect of the building, wherein the petitioner is running a B.Ed college. It cannot be said that the petitioner college is entitled to occupy the premises vested with the Government, without paying any rents for its usage and when called upon to pay such rents, cannot allege such action as being interference in the activities of the petitioners. If the petitioner pays the rent and continues to pay the rent for the building under occupation, the respondent authorities would have no reason to interfere in the running of the petitioner college. Thus, the interim relief as sought for by the petitioner in I.A. No.1 of 2019 is clearly misconceived and accordingly the application is dismissed.

Sd/- K. SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Higher Education Department, State of Telangana, Secretariat, Hyderabad
2. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
3. The District Collector, Kamareddy District at Kamareddy.
4. The Principal, Government Arts and Science College, Kamareddy 503 111 (1 TO 4 By RPAD)
5. One CC to SRI S SUDEEP REDDY, Advocate [OPUC]
6. Two CCs to GP FOR EDUCATION (TG), High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

TVK,J

DATED:02/01/2020

ORDER

I.A.NO.1 OF 2020
IN
WP.No.28822 of 2019

DIRECTION

