

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.1662 of 2018

Date: 26.06.2019

Between:

Kakatiya Urban Development Authority

...Appellant

And

N. Venkata Lakshmi
and others.

...Respondents

Counsel for the appellant : Senior Counsel Mr. G. Vidya Sagar
appearing for
Mr. M. Ajay Kumar (Standing Counsel)

Counsel for the respondents: Mr. A. Jagan
GP for Revenue
GP for Land Acquisition

The Court made the following:

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The Kakatiya Urban Development Authority, the appellant – respondent No.4, has challenged the legality of the order dated 03.10.2018, passed by the learned Single Judge, in I.A.No.1 of 2018 in W.P.No.35847 of 2018, whereby the learned Single Judge has directed the appellant not to disturb the peaceful possession of the respondent – petitioner, Mrs. N. Venkata Lakshmi.

The learned Senior Counsel, Mr. G. Vidya Sagar, submits that in the garb of the said order, the respondent – petitioner, is likely to disturb the other adjacent property belonging to the appellant. Therefore, the impugned order deserves to be set aside by this Court.

However, the learned counsel for the respondent – petitioner, submits that the respondent has no intention to disturb any property that belongs to the appellant. In fact, her interest is limited only to her own property, as she would like to protect and maintain the same. Therefore, the apprehension expressed by the learned Senior Counsel is highly misplaced. The learned counsel further submits that different Writ Petitions have been filed before this Court dealing with the land falling under the Survey No.92 situated at Laxmipur Village, Warangal Mandal and District, the same survey number which is involved in the present writ petition. Therefore, the issue continues to be alive even today. Considering the fact that there were certain observations made by the learned Single Judge while deciding W.P.No.877 of 2014, and considering the fact that certain observations were made by another learned Single Judge in W.P.No.40887 of 2017, the order passed by the learned Single Judge in the present case is legally justified.

In rejoinder, Mr. G. Vidya Sagar, the learned Senior Counsel, submits that the judgments pronounced in the Writ Petitions referred to hereinabove are under challenge before the learned Division Bench, and the judgments have been suspended by the learned Division Bench.

Be that as it may, the fact remains that the property in dispute needs to be preserved. Therefore, this Court directs both the appellant and the respondent – petitioner, to maintain *status quo* as of today with regard to possession and alienation. However, the respondent – petitioner, is permitted to maintain the property for its upkeep. But, in the garb of maintaining the land, the respondent – petitioner, is not permitted to raise any construction or structures.

The Writ Appeal is, hereby, disposed of with the above directions.

The miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

Dr. SHAMEEM AKTHER, J

26.06.2019
vs