

HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD

**MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY**

WRIT APPEAL NO: 323 OF 2022

Writ Appeal under Clause 15 of the Letters Patent preferred against the order dated 25/03/2022 passed in W P No 7906 of 2021, on the file of the High Court.

Between:

1. Mohammed Mansoor Ali, S/o Mahmood Ali, Aged about 29 years, Occ. Farmer, R/o Durajpally Village, Chivemla Mandal, Suryapet District.
2. Mohammed Maqsood Ali, S/o Mahmood Ali, Aged about 27 years, Occ. Farmer, R/o Durajpally Village, Chivemla Mandal, Suryapet District.

...Appellants/Writ Petitioners

AND

1. The Principal Secretary to Government, State of Telangana, Horticulture Department, Secretariat, Hyderabad.
2. The Commissioner of Horticulture, Government of Telangana, Hyderabad.
3. The District Collector, Suryapet District.
4. The District Horticulture Officer, Suryapet District.
5. The Assistant Director of Horticulture, Suryapaet, Suryapet District.
6. The Assitant Director of Horticulture - II, Nalgonda.
7. M/s Pipes and Flows Products, Pune, (Empanelled by the Government Telangana), Maharashtra State.

...Respondents/Respondents

IA NO: 1 OF 2022

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 direct the respondents to take appropriate steps for construction of Green poly house structure with Poly film by respondent No.7 as per Triparty agreement dt.25.6.2016, on the property of the petitioners pending disposal of the above writ appeal in the interest of justice and equity.

Counsel for the Appellants: SRI THANNERU CHAITANYA KUMAR

Counsel for the Respondent Nos.1 to 6: GP FOR AGRICULTURE

Counsel for the Respondent No.7: SRI ALI FAROOQ

The Court delivered the following:

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT APPEAL No.323 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of an order dated 25.03.2022 passed by the learned Single Judge in W.P.No.7906 of 2021.

The facts of the case reveal that the appellants (writ petitioners) came up before this Court for issuance of an appropriate writ, order or direction directing the respondents to take appropriate steps for construction of Green Polyhouse structure with poly films which were damaged, keeping in view the Tri-partite Agreement dated 25.06.2016. The appellants also stated in the writ petition that their representations are not being decided. The learned Single Judge has declined to interfere with the writ petition on the ground that disputed questions of fact are involved i.e., whether the damage is caused or

not/appellants are entitled for construction of Green Polyhouse structure or not.

The learned Single Judge, while disposing of the writ petition, has reproduced Clause 10.9 of the Deed of Agreement dated 25.06.2016 and the same reads as under:-

"It is further to be agreed by both the parties that all differences and disputes if not resolved as above, shall be got remedied through the Court of Law of Hyderabad jurisdiction only."

In the considered opinion of this Court, in the light of the aforesaid clause under the agreement, the disputed questions of fact can be resolved by taking recourse to the remedies available under the civil law. The learned Single Judge has already granted a liberty to approach the civil Court and therefore, in the considered opinion of this Court, as the disputed questions of fact cannot be resolved in the writ petition,

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the writ appeal stands disposed of with the liberty already granted by the learned Single Judge.

The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- B.SATYAVATHI
DEPUTY REGISTRAR

14/9/22
SECTION OFFICER

To,

1. One CC to SRI THANNERU CHAITANYA KUMAR, Advocate [OPUC]
2. One CC to SRI ALI FAROOQ, Advocate [OPUC]
3. Two CCs to the GP for Agriculture, High Court for the State of Telangana. [OUT]
4. Two C.D. Copies
5. One Spare Copy.

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HIGH COURT

DATED:13/06/2022

JUDGMENT

WA.No.323 of 2022



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

⑦
16/8/22
HVS