

HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD

**MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT APPEAL NO: 706 OF 2019

Writ Appeal under Clause 15 of the Letters Patent preferred against the order dated 25-07-2019 passed in WP No. 15593 of 2019 on the file of the High Court.

Between:

Smt. P. Bharatamma,, W/o. P. Balram, aged about 60 years, Occ house hold,
R/o. H. No. 12-2-563/58, Gudimalkapur, Shantinagar, Near Mehadipatnam,
Hyderabad, State of Telangana

...Appellant/Petitioner

AND

1. The State of Telangana,, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Hyderabad, Telangana.
2. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Lower Tank Bund, Hyderabad-500029, Telangana.
3. The Deputy Commissioner,, GHMC, Serlingampally, Circle-XI, Serlingampally, Ranga Reddy District, State of Telangana.
4. M. Gopi,, S/o. P. Ramulu, aged about 36 years, Occ business, R/o. Plot No.5, Maszidbanda, Backside of Government School, Kondapur, Serilingampally, Hyderabad, State of Telangana.

...Respondents/Respondents

IA NO: 1 OF 2019

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 No. 2 & 3 to completely remove the compound wall down to earth by disposing the appellant representation dated 10-07-2019 pending disposal of this writ petition.

Counsel for the Appellant: SRI MALUGARI SUDARSHAN

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN. & URBAN DEV.

**Counsel for the Respondent Nos.2 & 3: SRI SAMPATH PRABHAKAR REDDY,
SC for GHMC**

Counsel for the Respondent No.4: SRI VEDULA SRINIVAS

The Court delivered the following:

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.706 OF 2019

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

The present writ appeal is arising out of order dated 25.07.2019 passed in W.P.No.15593 of 2019.

The facts of the case reveal that the present appellant/writ petitioner came up before this Court stating that she is the owner and in possession of Plot No.1, admeasuring 212 square yards in Sy.No.187 (part), situated at Mazidbanda, Kondapur Village, Serlingampally. It has been stated that when the unofficial respondent started interfering with her peaceful possession and enjoyment of the said property, she preferred a civil suit i.e., O.S.No.913 of 2015 before the II Additional Senior Civil Judge, Ranga Reddy District. The said suit was decreed on 10.04.2019. The appellant/writ petitioner made a prayer that in spite of the fact that a decree was granted in her favour, the unofficial respondent with his men were interfering with her possession and in those circumstances, the writ petition was filed seeking protection from this Court and for issuance of direction to the authorities. The learned Single Judge has

passed an order granting liberty to file an appropriate application seeking enforcement of the decree granted in favour of the appellant/writ petitioner including police protection.

Today, learned counsel appearing for respondent No.4 has informed this Court that the judgment and decree passed in the matter was an *ex parte* decree and the same has been set aside. He has stated that now the suit itself is pending for adjudication.

In the light of the aforesaid, no further orders are required to be passed in the writ appeal and the same stands disposed of accordingly. The parties shall be free to agitate the matter before the civil Court.

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

SD/-CH.VENKATESWARULU
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. Two CCs to the GP for Municipal Admn. & Urban Dev., High Court for the State of Telangana. [OUT]
2. One CC to SRI SUDARSHAN MALUGARI, Advocate [OPUC]
3. One CC to SRI SAMPATH PRABHAKAR REDDY, SC for GHMC [OPUC]
4. One CC to SRI VEDULA SRINIVAS, Advocate [OPUC]
5. Two C.D. Copies.
6. One Spare Copy.

MRC
NPJ

HIGH COURT

DATED:21/03/2022

JUDGMENT

WA.No.706 of 2019



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

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MA

23/6/22