

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CIVIL REVISION PETITION NO: 1837 OF 2022

Petition under Article 227 of the Constitution of India, Against the Order dated 22.07.2022 passed in IA No. 689 of 2022 in OS No. 159 of 2017 on the file of the Principal District Judge at Hanumakonda.

Between:

1. M.A. Majeed, S/o M.A. Ali, aged about 74 years, Occ: Business, R/o H.No.3-1-490, Raipura, Hanmakonda, Warangal.
2. M.A. Ali Zubair, S/o M.A. Majeed, aged about 40 years, Occ Business, R/o H.No.3-1-490, Raipura, Hanmakonda, Warangal.
3. Md. Faheemuddin, S/o Khaja Moinuddin, aged about 74 years, Occ Business, R/o H.No.2-6-106, Subedari, Hanmakonda, Warangal.

...PETITIONERS/PETITIONERS/PLAINTIFFS

AND

1. M/s Blue Birds Educational Society, Warangal. Rep.by its Secretary by Sri Md. Yousuf, S/o Md. Abbas, aged about 73 years, Occ Business / Secretary of M/s Blue Birds Educational Society, R/o H.No.14-3-21, Panjetan Street, Matwada, Warangal.
2. Md. Mujtaba, S/o Md. Yusuf, aged about 41 years, Occ Business, R/o H.No.14-3-21, Panjetan Street, Matwada, Warangal.
3. Md. Haroon, S/o Md. Yusuf, aged about 43 years, Occ Business, R/o H.No.14-3-21, Panjetan Street, Matwada, Warangal.
4. M/s Blue Birds Educational Society, Rep.by its President, Dr. Iftekharuddin, S/o.Vajihuddin, aged about 62 years, Occ Medical Practitioner, R/o D.No.22-1-1037/1, Darul Shifa, Hyderabad.
5. Dr. Iftekharuddin, S/o Vajihuddin, aged about 62 years, Occ Medical Practitioner, R/o D.No.22-1-1037/1, Darul Shifa, Hyderabad.
6. Ahmed Vigaruddin, S/o Md. Gousuddin, aged about 58 years, Occ Business, R/o Flat No.201, Rupni Apartments, Red Hills, Lakdikapul, Hyderabad.
7. Ahmeduddin Mohammed, S/o Dr. Fakruddin Mohammed, aged about 39 years, Occ Business, R/o H.No.11-5-152/7, Red Hills, Nampally, Hyderabad.

8. S. Abdul Jaleel, S/o S.A. Ahmed, aged about 56 years, Occ: Business, R/o H.No.8, Kareem Mohiuddin, Street Mount Road, Chennai, Tamilnadu
9. M.V. Rama Raj, S/o Kotam Raju, aged about 58 years, Occ Business, R/o H.No.1-20-111, 2nd Bank Colony, Dasaipet Road, Warangal.

RESPONDENTS/IA PETITIONERS/DEFENDANT No.1 to 9

10. The District Minorities Welfare Officer, Subedari, Circuit House Road, beside D.S.P Bungalow, Hanmakonda, Warangal Urban.
11. The Secretary, Telangana Minorities Residential Educational Institutions (TMREIS) Road No.10, Banjara Hills, Hyderabad.
12. Rubeena Anjum, D/o M.A. Majeed, aged about 48 years, Occ: Employee at Saudi Jizan University, Jizan, Kingdom of Saudi Arabia (K.S.A.).

...RESPONDENTS/RESPONDENTS/DEFENDANT No.10 to 12

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 suspend the orders passed in I.A. No.689 of 2022 in O.S No.159 of 2017, dated 22.07.2022 the Principal District Judge at Hanumakonda pending disposal of the above C.R.P.

Counsel for the Petitioner: SRI. Y RAMA RAO AND ASSOCIATES

Counsel for the Respondent Nos.1 to 9: SRI G RAMACHANDRA REDDY

Counsel for the Respondent Nos. 10 to 12 : None Appeared

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

CIVIL REVISION PETITION No.1837 of 2022

ORDER:

This Revision Petition is preferred against the order dated 22.07.2022 in I.A. No.689 of 2022 in O.S. No.159 of 2017 on the file of Principal District Judge at Hanumakonda whereby the Court below had appointed an Advocate Commissioner to supervise the auction of granting lease/licence and supervise the execution of agreement of lease of the 1st respondent society.

2. Heard Sri Y. Rama Rao, learned Counsel for the petitioner and Sri G. Ramachandra Reddy, learned Counsel appearing on behalf of respondent Nos.1 to 9 and perused the record.

3. Petitioners herein are plaintiffs in the said suit. The suit is filed for declaration with a consequential relief of injunction for recovery of money and rendition of accounts. During the pendency of the suit, the defendant Nos.1 to 9 filed I.A. No.689 of 2022 for appointing an Officer/Commissioner to supervise the procedure for granting lease/licence in auction of the 1st petitioner/defendant society.

4. The Court below on consideration of submissions allowed the I.A. and appointed an advocate as Officer/Commissioner.

5. Aggrieved by the said order, the present Revision has been preferred by the petitioner/respondent/plaintiff.

6. This Court, while granting interim order dated 11.11.2022, noted that the Court below could not have appointed the Advocate Commissioner without the respondent society taking a decision to grant lease/licence, and *prima facie* found that the order of the Court below in I.A. No.689 of 2022 in O.S. No.159 of 2017 cannot be sustained and granted interim suspension.

7. When the above Civil Revision Petition is taken up for hearing today, learned Counsels appearing on behalf of the parties are in agreement to this Court setting aside the order passed by the Court below in I.A. No.689 of 2022 and remitting the said I.A. back to the Court below for consideration afresh.

8. However, having regard to the fact of the stand taken by the respondent that there were resolutions passed by the 1st respondent society to grant lease/licence of the premises in favour of the highest bidders, this Court is of the view that instead of remitting the matter back to the Court below for fresh consideration, the respondents can be permitted to move the Court below afresh by placing the said documents on record.

9. In view of the above and considering the *prima facie* finding as recorded, this Court is of the view that the impugned order in I.A. No.689 of 2022 in O.S. No.159 of 2017 cannot be sustained.

10. Accordingly, the Civil Revision Petition is allowed and the impugned order is set aside.

11. However, liberty is granted to the respondent to file a fresh application before the Court below enclosing therewith all the relevant documents to substantiate its claim for seeking appointment of an Advocate Commissioner to supervise the auction process as directed by this Court, *vide* order dated 25.02.2021 in CRP Nos.22 and 126 of 2021.

12. Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

GP

SECTION OFFICER

//TRUE COPY//

To,

1. The Principal District Judge at Hanumakonda, Hanamkonda District
2. One CC to SRI. Y RAMA RAO AND ASSOCIATES, Advocate [OPUC]
3. One CC to SRI. G RAMACHANDRA REDDY, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT
DATED:30/12/2022

ORDER
CRP.No.1837 of 2022



ALLOWING THE CRP

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28/4/23