HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION Nos. 36850, 36864, 36871, 36874 and 36889 OF 2024

WRIT PETITION NO: 36850 OF 2024

Between:

Ballure Srikanth, S/o. Ballure Bheem Rao, Aged about 33 years, Occ: Private Employee, R/o. H.No.5-141, R.K. Nagar -1, Indresham Village, Patancheru Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Panchayat Raj and Rural Development Department TS Secretariat, BRK Bhavan, Saifabad, Hyderabad
2. The District Collector, (Panchayat Wing) Sangareddy, Sangareddy District,
3. The District Panchayat Officer, Sangareddy, Sangareddy District
4. The Gram Panchayat -Indresham, Rep by its Panchayat Secretary Patancheruvu Mandal, Sangareddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents particularly respondent Nos. 3 and 4 in interfering with the peaceful possession and enjoyment and threatening to demolish the petitioner Residential house bearing no.5- 141, SL.No. 42, Constructed on Plot No. 141/Part in Northern Side Portion, in Sy. Nos. 148/AA, E and 165/A, AA, total admeasuring to an extent 111 Sq. Yards which is equivalent to 92.88 Sq. Mtrs. With plinth area of Ground Floor 925 Sq. Feets and First Floor Plinth area 925 Sq. Feets, thus the total built up area of 1850 Sq.

Feets. Roof covered with RCC, Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy District, without having any authority, without giving any notice and stating any reason for interference despite having due construction permission vide Permit No.167/ GP/ka/2018 dated24.7.2018 issued by the 4th respondent Gram Panchayat is illegal, arbitrary and violation of Articles 14 and 300-A of Constitution of India apart from violation of principles of natural justice and consequently direct the respondents to not to interfere and not to demolish the petitioner Residential house bearing no.5-141, Sl.No.42, Constructed on Plot No. 141/Part in Northern Side Portion, in Sy. Nos.148/AA, E and 165/A,AA, total admeasuring to an extent 111 Sq. Yards which is equivalent to 92.88 Sq. Mtrs. With plinth area of Ground Floor 925 Sq. Feets and First Floor Plinth area 925 Sq. Feets, thus the total built up area of 1850 Sq. Feets. Roof covered with RCC, Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy District.

IA NO: 1 OF 2024

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 not to interfere in any manner / demolish the petitioner Residential house bearing no.5-141, SL. No. 42, Constructed on Plot No. 141/Part in Northern Side Portion, in Sy. Nos. 148/AA, E & 165/A, AA, total admeasuring to an extent 111 Sq. Yards which is equivalent to 92.88 Sq. Mtrs. With plinth area of Ground Floor 925 Sq. Feets and First Floor Plinth area 925 Sq. Feets, thus the total built up area of 1850 Sq. Feets. Roof covered with RCC, Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy District, pending disposal of the Writ Petition.

Counsel for the Petitioner: MS. K. RAJITHA, REP. BY SRI JALAPALLI MADHAVI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ RURAL DEVELOPMENT

Counsel for the Respondent No.4: SRI R. CHANDRA SHEKAR REDDY, SC

WRIT PETITION NO: 36864 OF 2024

Between:

Smt. Sirikonda Nagamani, W/o. Biksham, Aged about 35 years, Occ. Homemaker, R/o. H.No.5-352, R.K. Nagar -1, Indresham Village, Patancheru Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, TS Secretariat, BRK Bhavan, Saifabad, Hyderabad.
2. The District Collector, (Panchayat Wing) Sangareddy, Sangareddy District.
3. The District Panchayat Officer, Sangareddy, Sangareddy District.
4. The Gram Panchayat -Indresham, Rep. by its Panchayat Secretary, Patancheruvu Mandal, Sangareddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents particularly respondent Nos. 3 and 4 in interfering with the peaceful possession and enjoyment and threatening to demolish the petitioner house bearing no. 5-352 in house plot no. 352 in Sy. No. 148/A/AA and E total admeasuring to an extent 166.5 Sq. Yards which is equivalent to 139.40 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy (the then Medak) District, without having any authority, without giving any notice and stating any reason for interference despite having due construction permission issued by the 4th respondent Gram Panchayat is illegal, arbitrary and violation of Articles 14 and 300-A of Constitution of India apart from violation of principles of natural justice and consequently direct the respondents to not to interfere and not to demolish the petitioner house bearing no. 5-352 in house plot no. 352 in Sy. No. 148/A/AA and E total admeasuring to an extent 166.5 Sq. Yards which is equivalent to 139.40 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy (the then Medak) District.

IA NO: 1 OF 2024

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 not to interfere in any manner / demolish the petitioner house bearing no. 5-352 in house plot no. MOW Sy. No. 148/A/AA and E total admeasuring to an extent 166.5 Sq. Yards which is equivalent to 139.40 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy (the then Medak) District, pending disposal of the Writ Petition.

Counsel for the Petitioner: MS. K. RAJITHA, REP. BY SRI JALAPALLI MADHAVI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ RURAL DEVELOPMENT

Counsel for the Respondent No.4: SRI R. CHANDRA SHEKAR REDDY, SC

WRIT PETITION NO: 36871 OF 2024

Between:

Smt. N. Padma, W/o.N. Subba Rao, Aged about 46 years, Occ. Private Service, R/o. H.No.5-177, R.K. Nagar -1, Indresham Village, Patancheru Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Panchayat Raj and Rural Development Department TS Secretariat, BRK Bhavan, Saifabad, Hyderabad
2. The District Collector, (Panchayat Wing) Sangareddy, Sangareddy District, /
3. The District Panchayat Officer, Sangareddy, Sangareddy District
4. The Gram Panchayat -Indresham, Rep by its Panchayat Secretary Patancheruvu Mandal, Sangareddy District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents particularly respondent Nos. 3 and 4 in interfering with the peaceful possession and enjoyment and threatening to demolish the petitioner house bearing no. 5-177 in plot no. 177 in

Sy. No. 165/A, Sy.No. 165/AA, Sy.No. 165/E Sy.No. 148/AA, Sy.No. 148/E, admeasuring to an extent of 166 sq. yds. situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy (the then Medak) District, without having any authority, without giving any notice and stating any reason for interference despite having due construction permission vide Proceeding No.278 / GP.KA/ 2018 dated.26.07.2018 issued by the 4th respondent Gram Panchayat is illegal, arbitrary and violation of Articles 14 and 300-A of Constitution of India apart from violation of principles of natural justice and consequently direct the respondents to not to interfere and not to demolish the petitioner house bearing no. 5-177 in plot no. 177 in Sy. No. 165/A, Sy.No.165/AA, Sy.No. 165/E Sy.No. 148/AA, Sy.No. 148/E, admeasuring to an extent of 166 sq. yds. situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy (the then Medak) District.

IA NO: 1 OF 2024

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 not to interfere in any manner / demolish the petitioner house bearing no. 5-177 in plot no. 177 in Sy. No. 165/A, Sy.No. 165/AA, Sy.No. 165/E Sy.No. 148/AA, Sy.No. 148/E, admeasuring to an extent of 166 sq. yds. situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy (the then Medak) District, pending disposal of the Writ Petition.

Counsel for the Petitioner: MS. K. RAJITHA, REP. BY SRI JALAPALLI MADHAVI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ RURAL DEVELOPMENT

Counsel for the Respondent No.4: SRI R. CHANDRA SHEKAR REDDY, SC

WRIT PETITION NO: 36874 OF 2024

Between:

Smt. Pala Shobha Rani, W/o. Pala Yadagiri Goud, Aged about 53 years, Occ. Household, R/o. H.No.5-16, R.K. Nagar -1, Indresham Village, Patancheru Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Panchayat Raj and Rural Development Department TS Secretariat, BRK Bhavan, Saifabad, Hyderabad
2. The District Collector, (Panchayat Wing) Sangareddy, Sangareddy District,
3. The District Panchayat Officer, Sangareddy, Sangareddy District
4. The Gram Panchayat -Indresham, Rep by its Panchayat Secretary Patancheruvu Mandal, Sangareddy District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents particularly respondent Nos. 3 and 4 in interfering with the peaceful possession and enjoyment and threatening to demolish the petitioner house bearing no. 5-16 in house plot no. 16 in Sy. No. 148/A, E and 165/A, AA, total admeasuring to an extent 166.6 Sq. Yards which is equivalent to 139.2 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy(the then Medak) District, without having any authority, without giving any notice and stating any reason for interference despite having due construction permission dated.21.O1.2016 issued by the 4th respondent Gram Panchayat is illegal, arbitrary and violation of Articles 14 and 300-A of Constitution of India apart from violation of principles of natural justice and consequently direct the respondents to not to interfere and not to demolish the petitioner house bearing no. 5-16 in house plot no. 16 in Sy. No. 148/A, E and 165/A, AA, total admeasuring to an extent 166.6 Sq. Yards which is equivalent to 139.2 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy(the then Medak) District.

IA NO: 1 OF 2024

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 not to interfere in any manner / demolish the petitioner house bearing no. 5-16 in house plot no. 16 in Sy. No. 148/A, E and 165/A, AA, total admeasuring to an extent 166.6 Sq. Yards which is equivalent to 139.2 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy(the then Medak) District, pending disposal of the Writ Petition.

Counsel for the Petitioner: MS. K. RAJITHA, REP. BY SRI JALAPALLI MADHAVI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ RURAL DEVELOPMENT

Counsel for the Respondent No.4: SRI R. CHANDRA SHEKAR REDDY, SC

WRIT PETITION NO: 36889 OF 2024

Between:

Smt. Kalyani Chimata,, W/o. Raju, Aged about 31 years, Occ. Software Employee, R/o. H.No.5-351, R.K. Nagar -1, Indresham Village, Patancheru Mandal, Sangareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Panchayat Raj and Rural Development Department TS Secretariat, BRK Bhavan, Saifabad, Hyderabad
2. The District Collector, (Panchayat Wing) Sangareddy, Sangareddy District,
3. The District Panchayat Officer,, Sangareddy, Sangareddy District
4. The Gram Panchayat, Indresham Rep by its Panchayat Secretary Patancheruvu Mandal, Sangareddy District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents particularly respondent Nos. 3 and 4 in interfering with the peaceful possession and enjoyment and threatening to demolish the petitioner house bearing no. 5-351 in house plot no.

351 in Sy. No. 148/AA, E and 165/A,AA, total admeasuring to an extent 166.6 Sq. Yards which is equivalent to 139.2 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy(the then Medak) District, without having any authority, without giving any notice and stating any reason for interference despite having due construction permission proceeding no. 01/GP.Ka./2021 dated. 03.01.2021. issued by the 4th respondent Gram Panchayat is illegal, arbitrary and violation of Articles 14 and 300-A of Constitution of India apart from violation of principles of natural justice and consequently direct the respondents to not to interfere and not to demolish the petitioner house bearing no. 5-351 in house plot no. 351 in Sy. No. 148/AA, E and 165/A,AA, total admeasuring to an extent 166.6 Sq. Yards which is equivalent to 139.2 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy(the then Medak) District.

IA NO: 1 OF 2024

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 not to interfere in any manner / demolish the petitioner house bearing no. 5-351 in house plot no. 351 in Sy. No. 148/AA, E and 165/A,AA, total admeasuring to an extent 166.6 Sq. Yards which is equivalent to 139.2 Sq. Mtrs. Situated at R.K. Nagar Colony, Indresham Village, Patancheru Mandal and Sangareddy(the then Medak) District, pending disposal of the Writ Petition.

Counsel for the Petitioner: MS. K. RAJITHA, REP. BY SRI JALAPALLI MADHAVI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR PANCHAYAT RAJ RURAL DEVELOPMENT

Counsel for the Respondent No.4: SRI R. CHANDRA SHEKAR REDDY, SC

The Court made the following: COMMON ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION Nos.36850, 36864, 36871, 36874 and 36889 of 2024

COMMON ORDER:

In all these writ petitions, the petitioners are alleging that the respondents are intentionally coming to their properties and threatening to demolish their houses without any basis and without issuing any notices to them.

2. Learned counsel for the petitioners submitted that the petitioners have purchased their properties from their predecessors in title and that their predecessors in title have already obtained permissions from the Gram Panchayat before making constructions and therefore, their constructions are not illegal.

3. Learned Standing Counsel for Panchayat Raj has obtained written instructions from the District Panchayat Officer, Sangareddy District, stating that there was no notice issued nor were any attempts to demolish in respect of the said properties and that the petitioners are intentionally misguiding the High Court and therefore, the writ petitions may be dismissed.

4. In view of the above submissions made by both the parties, this Court is of the opinion that there is no imminent threat to the properties of the petitioners and the respondents shall not interfere with the peaceful possession of the petitioners without following due process of law.

5. With the above observations, these writ petitions are disposed of. There shall be no order as to costs.

6. Miscellaneous petitions pending, if any, shall stand closed.

SD/-N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, The State of Telangana, Panchayat Raj and Rural Development Department TS Secretariat, BRK Bhavan, Saifabad, Hyderabad
2. The District Collector, (Panchayat Wing) Sangareddy, Sangareddy District,
3. The District Panchayat Officer, Sangareddy, Sangareddy District
4. The Panchayat Secretary The Gram Panchayat -Indresham, Patancheruvu Mandal, Sangareddy District.
5. One CC to Sri Jalapalli Madhavi Reddy, Advocate [OPUC]
6. Two CCs to GP for Panchayat Raj Rural Development, High Court for the State of Telangana, at Hyderabad [OUT]
7. One CC to Sri R. Chandra Shekar Reddy, SC[OPUC]
8. Two CD Copies

T J
BS

HIGH COURT

DATED:31/12/2024



ORDER

WRIT PETITION Nos. 36850, 36864, 36871, 36874 and 36889 OF 2024

DISPOSING OF THE ALL WRIT PETITIONS

WITHOUT COSTS

(11) Copies

SRM
24/1/25