IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 26194 OF 2025

Between:

Sri Baki Jeevan Vidya, S/o B.V.Kumar Aged about 39 years, Occ. Pvt. Employee, Rep. by his GPA Holder Smt. Lingala Nirmala. D/o Late L.Thirupathi W/o Sri B.Vidya Kumar Aged about 70 years, R/o H.No.3-9-554/22, Ragala Enclave, Near Sahara Estate, Gate No.1, Mansoorabad, Hyderabad - 68.

...PETITIONER

AND

1. The State of Telangana,, Rep by its Principal Secretary, Cooperative Department, Secretariat Buildings, Hyderabad.
2. The Commissioner for Co-operation and Registrar of Co-Operative Societies,, Gandhi Bhavan, Hyderabad, T.S.
3. The District Co-operative Officer,, Ranga Reddy District, T.S.
4. Telugu Cine Workers Co-operative Housing Society Ltd., (TCWCHS),, TBC-608, rep. by its Secretary, Chiapuri Colony, Manikonda Jagir 86 Municipality, Gandipet Mandal, Rangareddy District.
5. Sri. Chittaoor Krishnaiah, S/o C.Chennappa Aged about 55 years, Occ. Art Director, R/o 8-2-293/82/F/33/302, Road No.8, Jubilee Hills, Shaikpet, Hyderabad - 500 096.
6. Shivakavathalam Balleshwaramma, W/o Sri S.K.Paramesh, Aged about 46 years, Occ. Houswife, R/o H.No.3-72/33, Khajaguda Village, Serilingampally Mandal, Ranga Reddy District, Hyderabad - 500 096.

...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 or Direction more particularly in the nature of a Writ of Mandamus declaring the inaction of the respondents No.4 in cancelling allotted unit No. MIG-9-404 situated at Chitrapuri Colony, Manikonda Jagir and Municipality, Gandipet Mandal, Ranga Reddy District, by the respondent No.2

863 are illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents 1 to 3 to cancel the sale deed which were executed by respondent No.4 in favour of third party vide document No. 10116 of 2022 dated 07-11-2022 in the interest of justice and equity.

IA NO: 1 OF 2025

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 1 to 4 not to register any sale deeds of the unit No. MIG-9-404 situated at Chitrapuri Colony, Manikonda Jagir and Municipality, Gandipet Mandal, Ranga Reddy District, which were already allotted to the original allottee, to cancel the present body recommendation of registration of the unit vide document 10116 of 2022 dated 07-11-2022 in favor of Respondents 5 and 6 pending disposal of the above Writ Petition.

Counsel for the Petitioner:SRI. S. A. SUBBA RAO

Counsel for the Respondents No 1 To 3: GP FOR COOPERATION

Counsel for the Respondent No 4 : SRI M. PRATEEK REDDY SC FOR TELUGU CINE WORKERS CO-OPERATIVE HOUSING SOCIETY LMTD.,

Counsel for the Respondents No 5 & 6: ----

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION No.26194 OF 2025

DATE : 09.12.2025

Between:

Sri Baki Jeevan Vidya

...Petitioner

AND

The State of Telangana & 5 others

...Respondents

ORDER:

In this writ petition, the petitioner is seeking to declare the inaction of the respondent No.4 in cancelling allotted unit No.MIG-9-904, situated at Chitrapuri Colony, Manikonda Jagir & Municipality, Gandipet Mandal, Ranga ReddyDistrict, by respondents No.2 & 3 , as illegal and arbitrary and consequently to direct the respondents No.1 to 3 to cancel the sale deed which were executed by respondent No.4 in favour of third party vide document No.10116/2022, dt.07.11.2022.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Co-operation appearing for respondents No.1 to 3 and Sri M.Prateek Reddy, learned Standing counsel for

Telugu Cine Workers Co-operative Housing Society Limited appearing for respondent No.4.

3. Perusal of the record would reveal that similar *lis* involved in this writ petition had already been dealt with by this Court extensively vide order dated 09.12.2025 in W.P. No.8015 of 2025.

4. In view of thereof and for the reasons alike, this Writ Petition is also dismissed. There shall be no order as to costs. However, the petitioner is at liberty to approach the authority concerned under Section 61 of the Telangana Cooperative Societies Act, 1964.

Miscellaneous applications, if any, pending in this Writ Petition, shall stand closed.

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. S. A. SUBBA RAO, Advocate [OPUC]
2. Two CCs to GP FOR COOPERATION ,High Court for the State of Telangana at Hyderabad . [OUT]
3. One CC to SRI M. PRATEEK REDDY SC FOR TELUGU CINE WORKERS CO-OPERATIVE HOUSING SOCIETY LMTD.,[OPUC]
4. Two CD Copies

Along with a copy of the order dt. 09.12.2025 in W.P No. 8015 of 2025.

DAN

BS
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HIGH COURT

DATED:09/12/2025

ORDER

WP.No.26194 of 2025



DISMISSING THE WRIT PETITION

WITHOUT COSTS

7 COPIES
KS
22/12/25

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.8015 OF 2025

ORDER

In this Writ Petition, the petitioners are seeking a Writ of Mandamus declaring the action of respondents 2 and 3 in cancelling the allotted units M-2-510 and M-8-503 situated at Chitrapuri Hills, Manikonda Jagir, Gandipet Mandal, Ranga Reddy District, as illegal and arbitrary and in violation of principles of natural justice and to cancel the sale deeds executed by the 4th respondent with NOC letter as well as DCO, Ranga Reddy in favour of respondents 5 and 6 and to direct respondents 2 and 3 to allot the said units in favour of the petitioners and to pass such other order or orders.

2. After filing of this Writ Petition, *vide* order dt.24.07.2025, the Writ Petition in respect of the 2nd petitioner was dismissed as withdrawn and also the 6th respondent is removed from the array of the respondents.

3. Brief facts leading to the filing the present Writ Petition are that the 1st petitioner claims to be a member of the film industry and that the Five-Men Committee formed for allotments of units in Chitrapuri layout, have allotted Flat No.M-2-510 to the 1st petitioner and he has

also made the payment of Rs.19,22,500/- as per the statement of the 4th respondent society during the period from 07.08.2004 to 28.09.2020. As per the allotment letter, the cost of the unit is Rs.16,00,000/- subject to escalations, changes in area as per HMDA approvals and the approval of the General Body of the society and it is stated that since the 1st petitioner has paid substantial amounts as per the allotment letter, the balance will be paid at the time of registration and handing over of physical possession of the unit. It is also stated that the 1st petitioner has filed O.S.No.190 of 2024 before the II Additional Junior Civil Judge, Rajendranagar for perpetual injunction against respondents 5 and 6 and has obtained interim injunction order in I.A.No.386 of 2024 and the suit is still pending, but in the meantime, respondents 2 and 3 have cancelled the allotment of the unit M-2-510 and have also executed sale deeds in favour of the 5th respondent. Aggrieved by the same, this Writ Petition is filed.

4. Learned counsel appearing for the 1st petitioner has drawn the attention of this Court to allotment letter dt.31.07.2010, whereunder Flat No.M-2-510 has been allotted to the 1st petitioner and the cost of the flat is mentioned as Rs.16,00,000/-. From the details of the payment also, it is noticed that the 1st petitioner has made substantial payments in 2010,

2011 and thereafter in 2018 and 2020. Receipts to this effect have also been given by the society. The II Additional Junior Civil Judge, Rajendranagar has passed orders dt.27.03.2024 in I.ANo.386 of 2024 in O.S.No190 of 2024 granting ad interim injunction in favour of the 1st petitioner herein and against the respondents from alienating the subject property to any other person or persons. However, it is noticed that the society is also a party through respondents 2 and 3 in the suit. Learned counsel for the 1st petitioner has also drawn the attention of this Court to the order of this Court dt.25.01.2024 in W.P.No.46520 of 2022 and batch, wherein the Writ Petitions filed by similarly placed persons have been decided by taking into consideration the report of the Advocate Commissioners and respondents 2 and 3 therein were directed to verify flats/units allotted to the petitioners in Writ Petitions No.18446, 16349, 16274 and 8415 of 2023 by the Five-Men Allotment Committee and to allow the Management Committee of the society to register the units demanded by them in their names within a period of four months from the date of the order. It is stated that respondents 2 and 3 were also directed to verify the pending 160 flats/units and grant permission to the Managing Committee of the society to complete registration to cine workers. It is submitted that the case of the 1st petitioner herein is also

similar and therefore, prayed that the respondents should be directed to cancel the registered sale deeds executed in favour of the 5th respondent and register the subject flat in favour of the 1st petitioner on account of the Five-Men Allotment Committee letter.

5. Learned Standing Counsel for the respondent society, however, submitted that the Writ Petition is not maintainable under Article 226 of the Constitution of India as the prayer in the Writ Petition is to cancel the sale deeds in favour of the 5th respondent and therefore, only civil Court can entertain such a prayer. He also submitted that the details of the sale deeds were not given by the 1st petitioner in the Writ Petition and there is no statutory violation under the Registration Act. It is stated that the dispute raised by the petitioner is a dispute under Section 61 of the Telangana Cooperative Societies Act, 1964, as complicated questions of fact are involved in the matter and there is alternative remedy which the 1st petitioner has also availed by filing the suit before the civil Court. Therefore, according to him, the 1st petitioner cannot pursue this Writ Petition. Further, in respect of W.P.No.46502 of 2022 and batch, it is stated that the directions in the said batch of Writ Petitions are applicable to the writ petitioners in the said batch only and therefore, it is not applicable to the 1st petitioner in this Writ Petition.

Further, on merits of the submissions of the 1st petitioner, he submitted that the 1st petitioner has paid only a sum of Rs.5,00,000/- till 27.04.2011 as is evident from the additional counter filed by the 4th respondent society and it is submitted that a notice was also given to him on 30.10.2024 and since the 1st petitioner did not comply with the same, a decision was taken to cancel his allotment and register the subject flat in favour of the 5th respondent. It is stated that though demand notices were issued and payments were not paid within time, but made after the deadline, the conduct of the parties has to be seen and further that, the 1st petitioner is still due to pay a sum of Rs.2,50,000/-. He also referred to page 48 of the additional counter affidavit and the amendment which provides for cancellation of allotment if payments are not made. It is further submitted that a new Five-Men Committee has been constituted and the 1st petitioner can seek consideration for allotment of un-allotted flats.

6. Learned counsel for the 1st petitioner, however, refuted the contentions of the respondents and submitted that no notices of demand or shortfall for payment were given or served to the 1st petitioner and further that the Managing Committee of the society has no power to cancel the allotment made by the Five-Men Committee. It is submitted

that when the respondent society issued NOC to third parties by creating some documents, the 1st petitioner has approached the civil Court for perpetual injunction restraining them from alienating the property and therefore, it does not act as *res judicata* in this Writ Petition.

7. Having regard to the rival contentions and the material on record, this Court finds that the undisputed facts are that the 1st petitioner was allotted flat No.M-2-510 by the Five-Men Allotment Committee and though the 1st petitioner claims to have made payment of Rs.19,22,500/- by the year 2020, it seems to be a staggered payment and the respondent society has submitted that the payments were not made within the deadline and therefore, notices have been issued. As pointed out by the learned Standing Counsel for the respondent society, this matter involves disputed questions of fact which need verification. This Court in similar matter in W.P.No.7981 of 2025, *vide* order dt.28.11.2025, has observed as follows:

> *"9. ..... The petitioner though claims that it is the responsibility of the respondents No.2 and 3 to direct the respondent No.4 to register the house in the name of the petitioner, as rightly pointed out by the learned counsel for the respondents, complicated questions of facts are involved in this case. The quantum of sale consideration for the Row House and as to whether the petitioner had paid the said amount within time and whether the demand notices have been issued by the*

respondents and whether the petitioner has responded to the same and whether any payments have been made by the wife of Pathi Goutham Raju, are all questions of fact which need consideration and which cannot be decided by this Court under Article 226 of the Constitution of India. There is no statutory right which has been violated or statutory duty which has not been exercised by the authorities for interference by this Court. Therefore, this Court is of the opinion that the petitioner would have to approach the appropriate authority i.e., the Arbitrator for adjudication of the issue.

10. Therefore, this writ petition is disposed of with liberty to the petitioner to approach the Arbitrator with an appropriate application and till such time the Arbitrator takes up the interim application and takes a decision on the same, the parties are directed to maintain status-quo as on today i.e., not to register the said Row House in favour of any other person."

8. In view of the same, this Writ Petition is not maintainable and it is accordingly dismissed. No order as to costs. However, liberty is given to the 1st petitioner to approach the authority concerned under Section 61 of the Telangana Cooperative Societies Act, 1964.

9. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

SD/-S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,
1. One CC to SRI S.A. SUBBA RAO, Advocate [OPUC]
2. One CC to SRI M. PRATHEEK REDDY, Advocate [OPUC]
3. Two CCs to GP FOR COOPERATION, High Court for the State of Telangana. [OUT]
4. Two CD Copies

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HIGH COURT

DATED:09/12/2025

ORDER

WP.No.8015 of 2025

DISMISSING THE WRIT PETITION WITHOUT COSTS

