

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

AND

THE HONOURABLE JUSTICE GADI PRAVEEN KUMAR

WRIT APPEAL NO: 1522 OF 2025

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the Order Dated 16-10-2025 in W.P.No 3987 of 2024 on the file of the High Court.

Between:

1. Kanneboina Ailaiah, S/o. Laxmaiah, Aged about 59 years, R/o. H. No. 5-26/3, Rasoolpally, Bheemadevarpalle, Hanamkonda District, Telangana - 505471
2. Kanneboina Purnachand, S/o. Kanneboina Ailaiah, Aged about 25 years, R/o. H. No. 5-26/3, Rasoolpally, Bheemadevarpalle, Hanamkonda District, Telangana - 505471

...APPELLANTS

AND

1. State of Telangana, Rep by its Principal Secretary Panchayat Raj and Rural Employment, Secretariat, Hyderabad
2. Commissioner of Panchayat, Panchayat Raj and Rural Employment, State of Telangana, Himayath Nagar, Hyderabad, Telangana.
3. Joint Commissioner of Panchayat, Panchayat Raj and Rural Employment, State of Telangana, Himayath Nagar, Hyderabad, Telangana
4. The District Collector, Hanamkonda District, Telangana
5. The District Panchayat Officer, Hanamkonda District, Telangana
6. The Divisional Panchayat Officer, Hanamkonda District, Telangana.
7. Mandal Panchayat Officer, Bheemadevarpalle Mandal, Hanamkonda District, Telangana.
8. Mandal Parishad Development Office, Bheemadevarpalle Mandal, Hanamkonda District, Telangana
9. Gram Panchayat, Rasoolpally, Bheemadevarpalle Mandal, Hanamkonda District, Telangana.

10. Panchyat Secretary, Rasoolpally, Bheemadevarpalle Mandal, Hanamkonda District. Telangana

11. Maddela Kumaraswamy, S/o. Late Rajaiah, Rasoolpally Village, Bheemadevarpalle Mandal, Hanamkonda District. Telangana

...RESPONDENTS

IA NO: 2 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 suspend the Order dated 16.10.2025 in WP No. 3987 of 2024 to the limited extent of the direction issued to the Mandal Surveyor to conduct survey and fix the boundaries of the property of both parties as a pre-condition for taking action against the illegal construction undertaken by Respondent No. 11 and thereby direct the Respondent No. 10 to immediately take action towards demolition of the illegal construction undertaken by Respondent No. 11 over the Subject Property,

Counsel for the Appellants: SRI. MOHAMMED OMER FAROOQ

**Counsel for the Respondents No 1,2,3,5 To 8: SRI P. ASHOK KUMAR, AGP
FOR PANCHAYAT RAJ & RURAL DEVELOPMENT**

Counsel for the Respondent No 4: GP FOR REVENUE

**Counsel for the Respondents No 9 & 10: SRI. K. PRADEEP REDDY, SC FOR
GRAM PANCHAYAT**

Counsel for the Respondent No 11: SRI R.K. CHITTA

The Court made the following: JUDGMENT

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR

WA.NO.1522 OF 2025

DATE: 31.12.2025

Between:

Kanneboina Ailaiah,
S/o. Laxmaiah and another.

... Appellants

And

State of Telangana,
Rep. by its Principal Secretary,
Panchayat Raj and Rural Employment,
Secretariat, Hyderabad and 10 others.

... Respondents

Mr. Mohammed Omer Farooq, learned counsel appearing for the appellants.

Mr. P. Ashok Kumar, the learned Assistant Government Pleader appearing for the respondent Nos.1, 2, 3, 5, 6 and 7.

Mr. K. Pradeep Reddy, the learned Standing Counsel appearing for the respondent Nos.9 and 10.

Mr. R K Chitta, learned counsel appearing for the respondent No.11.

JUDGMENT: (Per Hon'ble Justice Moushumi Bhattacharya)

1. The Writ Appeal arises out of an order passed by a learned Single Judge of this Court on 16.10.2025 in Writ Petition No.3987 of 2024 filed by the appellants herein.

2. In the Writ Petition, the appellants prayed for a Writ of Mandamus against the respondent No.10/Panchayat Secretary,

Rasoolpally, Bheemadevarpalle Mandal, Hanamkonda District, Telangana, in not taking any action, including for the demolition of the alleged illegal construction carried out by the respondent No.11/unofficial respondent in respect of a land situated in Sy.No.246 at Rasoolpally Village (formerly Mallaram Village), Bheemadevarpalle Mandal, Hanamkonda District Telangana, in spite of several complaints/representations and also the official communications from the respondent No.5.

3. By the impugned order, the learned Single Judge recorded several facts, including that the building permission granted to the respondent No.11 was subsequently cancelled by the respondent No.5/the District Panchayat Officer, Hanamkonda District, Telangana, and that the respondent No.10 should have taken action for the demolition of the illegal construction.

4. The learned Single Judge also directed the Mandal Surveyor to conduct a survey and fix the boundaries of the property of both the parties, i.e., the writ petitioners/appellants and the respondent No.11, within a stipulated period and file a compliance report. Thereafter, the respondent No.10 was directed to take action in accordance with the directions of the respondent No.5. The Survey Authorities were also given the liberty to seek police assistance if required.

5. Learned counsel appearing for the appellants/writ petitioners submits that the learned Single Judge erred in directing the respondent No.10 to take action regarding the alleged illegal construction, subject to the survey being conducted by the Mandal Surveyor as per the directions of the respondent No. 5.

6. Counsel submits that both the actions should have been treated as independent obligations and that action against the illegal construction could not have been made dependent on the survey which was directed by the respondent No.5 to be conducted by the Mandal Surveyor.

7. Learned counsel appearing for the respondent No. 11/unofficial respondent informs the Court that as of yesterday, the survey has already been conducted and that nothing further remains of the Writ Appeal.

8. The learned Assistant Government Pleader appearing for the respondent Nos.1, 2, 3, 5 to 7 and the learned Standing Counsel appearing for the respondent Nos.9 and 10 submit that a copy of the Survey Report will be handed over to the appellants/writ petitioners without delay.

9. Considering the fact that the survey has already been undertaken as directed by the learned Single Judge and that such direction was made at the request of the appellants/writ petitioners

who appeared in person before the learned Single Judge, we do not find any scope to interfere with the impugned order. At best, the appellants/petitioners shall be given a copy of the Survey Report.

10. We also note that the dispute is essentially of a private nature and arises between the appellants/writ petitioners and the respondent No.11, wherein the contesting parties are claiming to be the owners of the land bearing the same survey number, i.e., Sy.No.246 of Rasoolpally Village.

11. W.A.No.1522 of 2025, along with all connected applications, is accordingly dismissed as being without merit.

There shall be no order as to costs.

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

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. MOHAMMED OMER FAROOQ Advocate [OPUC]
2. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV High Court for the State of Telangana. [OUT]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI K. PRADEEP REDDY, SC FOR GRAM PANCHAYAT, [OPUC]
5. One CC to SRI R.K. CHITTA, Advocate [OPUC]
6. Two CD Copies

[Signature]

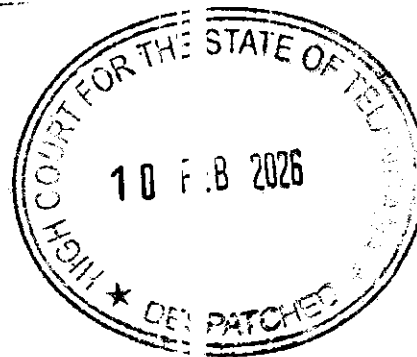
DAN
PMK

HIGH COURT

DATED:31/12/2025

JUDGMENT

WA.No.1522 of 2025



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

(10) MT
29/1/26