

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
[2698]

FRIDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WP .Nos. 26233 of 2005 AND 46 of 2006

WP .No.26233 of 2005

Between:

- 1 D. Narasimha Reddy, S/o. D. Achi Reddy
aged 57 years, Occ: Service,
R/o.Babaguda, H/o.Shamirpet Village & Mandal,
Ranga Reddy District.
- 2 K. Damodar Reddy, S/o.Krishna Reddy
aged 39 years, Occ: Advocate,
R/o.Bomraspet Village, Shamirpet Mandal,
Ranga Reddy District.

..... Petitioners

AND

- 1 Government of Andhra Pradesh, rep by its Special Chief Secretary, Revenue (ASN.V) Department, Secretariat, Hyderabad.
 - 2 District Collector, Ranga Reddy District, at Hyderabad.
 - 3 Mandal Revenue Officer, Shamirpet Mandal, Ranga Reddy District.
 - 4 Chief Commissioner of Land Administration Government of Andhra Pradesh at Hyderabad.
 - 5 M/s Leo Meridian Resorts and Developers (Pvt.) Limited, rep. by its Managing Director, Bomraspet Village, Shamirpet Mandal, Ranga Reddy District.
 - 6 Kaveti Sammaiah, S/o. Mannalu, aged 55 years, R/o. 502, Sankara Kranthi Apartments, Kavadiguda, Hyderabad.
- (R6 is impleaded as per Court order dated 26-06-2012 in WPMP No.1517 of 2012)**

.....Respondents

Counsel for the Petitioners : Sri Srinivas Polavarapu
Counsel for Respondent Nos.1 to 4: GP for Assignment (T.G.)
Counsel for Respondent No.5 : Sri Srinivas Bodduluri
Counsel for Respondent No.6 : Sri K.V. Bhanu Prasad

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ of mandamus or any other appropriate writ declaring that the action of the 1st respondent in suggesting a compromise between the parties as per Para 18 of G.O.Rt.No.2039, dated 24-10-2005, while dismissing the Revision Petition of the 5th respondent, is arbitrary and illegal and consequently set aside that part of the order of the 1st respondent in G.O.Rt.No.2039, dated 24-10-2005 and direct the respondents to make available the village road connecting Upprerpally to Ponnal Village to the Petitioners and all other Villagers by demolishing the compound wall of the 5th respondent.

WP .No.46 of 2006

Between:

- 1 M/s. Leo Meridan Resorts & Developers Private Limited,
Bommaraspet, Shameerpet Mandal, Ranga Reddy District.
- 2 G.S. Chakravartyhi Raju,
Managing Director, M/s.Leo Meridian Resorts & Developers (P)
Limited, Bommaraspet, Shameerpet Mandal, Ranga Reddy District

..... Petitioners

AND

- 1 The Government of Andhra Pradesh, rep. by its Special Chief Secretary, Revenue (ASN.V) Department, Secretariat, Hyderabad.
 - 2 District Collector, Ranga Reddy District.
 - 3 Mandal Revenue Officer, Shameerpet Mandal, Ranga Reddy District.
 - 4 D. Mohan Reddy, Babaguda, Shameerpet Mandal, Ranga Reddy District.
 - 5 K. Damodar Reddy, babaguda, Shameerpet Mandal, Ranga Reddy District.
 - 6 D.N. Reddy, Babaguda, Shameerpet Mandal, Ranga Reddy District.
 - 7 K. Venkatram Reddy, Babaguda, Shameerpet Mandal, Ranga Reddy District.
 - 8 K. Babu Rao, Babaguda, Shameerpet Mandal, Ranga Reddy District.
- Respondents

Counsel for the Petitioners : Sri Srinivas Rao Bodduluri
Counsel for Respondent Nos.1 to 3: GP for Revenue (T.G.)
Counsel for Respondent Nos.5 & 6 : Sri Srinivas Polavarapu

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate order or direction more particularly one in the nature of Certiorari be calling for the records of the 1st respondent in G.O.Rt.No.2039 Revenue (ASV.V) Department dated 24-10-2005 dismissing the revision petition filed by the petitioners herein against the orders passed by the 2nd respondent No.LP3/1598/2004, dated 23-03-2005 as being illegal, without jurisdiction and contrary to well settled principles of law governing the issue and quash the said orders.

These petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof, and the order of the High Court, dated 25.07.2017 made herein, the Court made the following

ORDER:

Since the disputed question of fact is with regard to cart track belonging to the panchayat and the villagers are making use of the same.

It is represented by the villagers, who are the petitioners that the road has been encroached by the Resort owner in W.P.No.46 of 2006 and raised a compound wall.

Though the Advocate Commissioner's report is placed on record, to have a latest status, both parties shall take the assistance of the local police and the Station House Officer, Shameerpet shall assist the parties for taking the photographs to their satisfaction and the same shall be filed before this Court.

List after two weeks.

//TRUE COPY//

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

- 1 The Special Chief Secretary, Revenue (ASN.V) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
- 2 The District Collector, Ranga Reddy District, at Hyderabad.
- 3 The Mandal Revenue Officer, Shamirpet Mandal, Ranga Reddy District.
- 4 The Chief Commissioner of Land Administration, Government of Andhra Pradesh at Hyderabad.
- 5 The Managing Director, M/s Leo Meridian Resorts and Developers (Pvt.) Limited, Bomraspet Village, Shamirpet Mandal, Ranga Reddy District.
- 6 Kaveti Sammaiah, S/o. Mannalu, R/o. 502, Sankara Kranthi Apartments, Kavadiguda, Hyderabad.
- 7 D. Mohan Reddy, Babaguda, Shameerpet Mandal, Ranga Reddy District.
- 8 K. Damodar Reddy, Babaguda, Shameerpet Mandal, Ranga Reddy District.
- 9 D.N. Reddy, Babaguda, Shameerpet Mandal, Ranga Reddy District.
- 10 K. Venkatram Reddy, Babaguda, Shameerpet Mandal, Ranga Reddy District.
- 11 K. Babu Rao, Babaguda, Shameerpet Mandal, Ranga Reddy District.(1 TO 11 BY RPAD)
- 12 Sri D. Sunil Kumar, Advocate (Advocate Commissioner), High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh. R/o. Flat No.403, H.No.3-12-92/LK/403, Laxmi Kamal Residency, Road No.4, 6th Cross, Rock Town Colony, Mansoorabad, L.B. Nagar, Hyderabad-68. (Cell No.9948189757) (along with a copy of petitions and affidavits and all the material papers in both Writ Petitions)
- 13 **The Station House Officer, Shameerpet, Hyderabad.(by Speed Post/RPAD)**
- 14 One CC to Sri Srinivas Polavarapu, Advocate (OPUC)
- 15 One CC to SRI K.V.BHANU PRASAD, Advocate (OPUC)
- 16 One CC to Sri Srinivas Rao Bodduluri, Advocate (OPUC)
- 17 Two CCs to the G.P. for Assignment (TS), High Court of Judicature at Hyderabad. (OUT)
- 18 One Spare Copy.

SRL

HIGH COURT

TA,J

DATE: 09.02.2018

NOTE: List after two weeks

ORDER

WP .Nos. 26233 of 2005 & 46 of 2006

DIRECTION

