



2026:TSHC:3846

[3383]

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

**MONDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION NO: 9790 OF 2018

Between:

B.Venkat Narayana, S/o Late. Venkaiah, Aged 49 years, Occ- Business, R/o 5-1-655, KUC Road, Vidyananyapuri, Hanamkonda, Warangal District warangal

...PETITIONER

AND

1. State Of Telangana, The State of Telangana, Rep., by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad hyderabad
2. Kakatiya Urban Development Authority (KUDA), Office at Near Ashoka Hotel, KancharaKunta, Hanamkonda, Warangal, Rep.by its Chairman
3. The Vice Chairman, Kakatiya Urban Development Authority, Office at Near Ashoka Hotel, KancharaKunta, Hanamkonda, Warangal.
4. Darapaneni Chennaiah, (Died as per LRs RR 5 & 6)
5. Darapaneni Venkateshwara Rao, S/o.Late Darapaneni, Chennaiah, Aged 56 years, Occ: Business, R/o.Villa No.58, Ramky Enclave, Near Station Road, Warangal District. Presently residing at Flat No.202, Sri Chakra Residency, Krishna Enclave, Thirumalgiri, Secunderabad.
6. Darapaneni Venugopal Rao, S/o.Late Darapaneni, Chennaiah, Aged 55 years, Occ: Software Engineer, R/o.1202, West Palm Drive Mount Prospect, IL 60056, United States of America.

Respondents nos.5 and 6 are brought on record as LRs of the deceased Respondent no.4 as per C.O.dt.10.12.2025 in IA No.1/2025 in WP No.9790/2018.

...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 grant an order, direction or writ, more so in the nature of Writ of certiorari calling for record and declare the orders in Proceedings bearing Roc.No. C1/1670/159/2013 dated 23.12.2017 passed by the respondent No. 2



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and 3 cancelling the LRS permission granted vide Roc.No LRS/C1/783/2012/1217 dated 29.07.2013 with LRS No. 304/2013, as illegal, arbitrary, highhanded apart from being violative of terms of G.O.Ms.No. 902 apart from being violative of article 14 and 300-A of Constitution of India and consequently to set aside the orders in Proceedings bearing Roc.No. C1/1670/159/2013 dated 23.12.2017 passed by the respondent No. 2 and 3.

IA NO: 1 OF 2018

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 in Proceedings bearing Roc.No. C1/1670/159/2013 dated 23.12.2017 passed by the respondent No. 2 and 3.

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 permit the petitioner to bring on record the judgment and decree dated 12.12.2023 in O.S.No. 462 of 2013 passed the Learned I Addl. Senior Civil Judge at Hanumakonda , further be pleased to allow the above writ petition.

Counsel for the Petitioner : SRI T.BALA MOHAN REDDY

Counsel for the Respondent No.1 : GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2&3 : SRI M.AJAY KUMAR, SC FOR KU

Counsel for the Respondent No.4 : --

Counsel for the Respondent No.5TO6 : SRI K.SAI SRIHARSHA

The Court made the following: ORDER



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

THE HONOURABLE SRI JUSTICE LAXMI NARAYANA ALISHETTY

WRIT PETITION No.9790 of 2018

DATED: 02.02.2026

Between:

B.Venkat Narayana

...Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration and Urban Development,
Secretariat, Hyderabad and 3 others.

...Respondents

ORDER:

This writ petition is filed to declare the proceedings *vide* Roc.No.C1/1670/159/2013, dated 23.12.2017, passed by respondent Nos.2 and 3, cancelling the LRS permission granted *vide* Roc.No.LRS/C1/783/2012/2017, dated 29.07.2013 with LRS No.304/2013 as illegal, arbitrary and in violation of terms of old G.O.Ms.902 and also in violation of Article 14 and 300-A of Constitution of India and for consequential relief.

2. Heard Sri T.Bala Mohan Reddy, learned counsel for petitioner,
Sri K.Sai Sriharsha, learned Counsel for respondent Nos.5 and 6



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(L.R's of deceased respondent No.4) and learned Government Pleader for Respondent Nos. 2 and 3.

3. Brief facts of the case as averred in the writ affidavit are that petitioner is the absolute owner and possessor of open plot admeasuring 441 Sq.yrds in Sy.No. 4/B of Lashker Singaram Village, Hanamkonda Mandal, having acquired the same under registered sale deed No.2578 of 2008, dated 08.04.2008 from one G. Venkata Subbamma. Similarly, petitioner's wife B. Gayatri has purchased an open plot admeasuring 452 Sq. yards in Sy.no.4/B through a registered sale deed No.2577 of 2008, dated 08.04.2008 from one Ponnamm Soubhagya and further, the minor sons of the petitioner represented by their natural guardian i.e., mother-B.Gayathri, have purchased plots admeasuring 465 Sq.yrds and 488 Sq.yrds in Sy.No.4/B, through registered sale deed Nos.2579 and 2580 of 2008, dated 08.04.2008 from P. Gopika and K. Dhana Lakshmi respectively; that the petitioner's family has become the owner and possessor of total land admeasuring 1846 Sq.yrds in these four plots; that petitioner made an application dated 04.09.2012, for regularization of the unapproved plots and respondent No.4 and two others have filed objections to the said application; that the said application was considered and regularization proceedings were



passed in favor of the petitioner *vide* proceeding No.LRS/C1/783/2012, dated 29.07.2013, to an extent of 1379.85 Sq. mtrs, as the balance extent of 200 Sq. yrds was affected by road and master plan, by duly rejecting the objections of respondent No.4. During the pendency of regularization proceedings, respondent No.4 has filed a suit *vide* O.S.No.462 of 2013, on the file of learned I-Additional Senior Civil Judge, Warangal in June, 2013, for declaration and for consequential Injunction, claiming that he is the owner of the land admeasuring 306 sq. yrds in Sy.No.4/B, having acquired the same through registered sale deed No.1921 of 1989, dated 26.07.1989; that in the said suit, injunction was granted against the petitioner.

4. It is further averred that the said suit is filed with regard to property of respondent No.4 only, but not that of petitioners; that the properties of the petitioner and respondent No.4 are different and further, in the said suit, neither there is any averment of overlap of lands nor there is dispute of title of petitioner's land, hence, the said suit is no way concerned with the petitioner's land and as such, pending suit in O.S.No.462 of 2013 has no relevance to the petitioner's regularization proceedings; that the objections raised by the respondent No.4 along with others to the petitioner's application



for regularization are rejected by the authorities; that respondent No.4 approached the appellate authority by way of appeal with similar set of objections and the same was also rejected *vide* Orders dated 18.06.2015 in Roc.No.C1/1670/2013/631. Aggrieved by the same, respondent No.4 filed W.P.No.20527 of 2015, and the same was disposed of by this Court *vide* Order dated 20.12.2016; that respondent No.4 approached respondent No.2 through legal notice dated 07.06.2017, seeking cancellation of regularization granted in favour of the petitioner, claiming that O.S.No.462 of 2013, was decreed *ex-parte* on 28.02.2014; and that petitioner was restrained from interfering with his property and also on the ground that as per the regularisation scheme under Rule-6 (viii)(1), if the property is under litigation or legal dispute with regard to ownership or title, regularisation should not be done; that respondent No.2 issued notice to the petitioner and the petitioner has filed counter along with documents stating that the *ex-parte* Order dated 28.02.2014, passed by the trial Court was set aside and the suit was restored.

5. It is also averred that no part of the property, which is regularized, is abutting to the land of respondent No.4 and the suit filed by respondent No.4 would not have any bearing or affect on the regularization of petitioner's land; that respondent No.2 *vide* Order



dated 23.12.2017, cancelled the regularization proceedings dated 29.07.2013, by relying upon Section 31 of the A.P.Urban Area Development Act, 1975 and also Rule 6 (viii)(i) of guidelines issued by the Government, wherein, it is envisaged that in any event, the site in question is in litigation/legal dispute regarding ownership and title, the application for LRS cannot be considered. Aggrieved by the same, present writ petition is filed.

6. Learned Counsel for the petitioner would submit that respondent No.2 erroneously passed the impugned Order cancelling the regularization proceedings dated 29.07.2013, without properly appreciating the facts and issues involved therein. He specifically contended that even as per the observation of respondent No.2, the application filed for regularization cannot be considered where litigation/legal dispute is pending with regard to ownership or title. Whereas, in the present case, respondent No.4 has filed suit for injunction in respect of his property and thus, petitioner is no way concerned with the suit and more over, there is no title or ownership dispute and as such, the reasons recorded by respondent No.2 while cancelling the regularization proceedings are contrary to the LRS Rules and therefore, the same is unsustainable. He further submitted that earlier respondent No.4 filed a writ petition *vide*

W.P.No.20527 of 2015, before this Court, challenging the regularization proceedings dated 29.07.2013 and the same was disposed of on 20.12.2016, with an observation that 33 ft' road on northern side shown in the regularization proceedings was affected from the land belonging to the petitioner admeasuring 79.98 Sq.mtrs and therefore, no further Orders are required to be passed in the said writ petition.

7. Learned Counsel for the petitioner further submitted that despite above Orders in W.P.No.20527 of 2015, respondent No.4 once again approached respondent No.2 and the respondent No.2 without referring to the Orders of this Court in earlier writ petition and without verifying the facts, erroneously cancelled the regularization proceedings of the petitioner. He further submitted that the suit *vide* O.S.No.462 of 2013, filed by respondent No.4 for injunction was initially decreed *ex-parte* and the petitioner herein had filed an application to set aside the *ex-parte* decree and the same was allowed by the trial Court on 21.09.2015, and the suit was subsequently dismissed by the trial Court on 12.12.2023 on merits. Though, an appeal *vide* A.S.No.74 of 2024 is filed before the District Judge, at Hanamkonda, the same is pending adjudication and no interim Orders have been passed, therefore, the principal ground on which,



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the regularization proceedings were set aside is no more available and thus, prayed to allow the writ petition.

8. Learned Counsel for respondent Nos.5 and 6 submitted that respondent No.2 has rightly cancelled the regularization proceedings of the petitioner in view of pendency of suit, in terms of Rule 6(viii)(i) of Regularization rules. He further submitted that respondent No.4 filed the suit *vide* O.S.No.462 of 2013 on the file of learned Senior Civil Judge, Warangal, and the same was decreed on 28.02.2014. Subsequently, the petitioner herein filed an application under Order 9 Rule 13 of CPC and the same was allowed. Ultimately, the suit was dismissed by the trial Court on 12.12.2023 and aggrieved by the same, an appeal *vide* A.S.No.74 of 2024, has been preferred and the same is pending adjudication before the learned District Judge, Hanamkonda, and as such, the contention of the petitioner that in view of dismissal of suit, there is no bar for consideration of the application is untenable. He further submitted that respondent No.2 has rightly cancelled the regularization of the plot of the petitioner by duly taking into consideration all the aspects and in view of disputes between the petitioner and respondent Nos.5 and 6 and as such the writ petition is liable to be dismissed.

9. Learned Standing Counsel for respondent No.2 would submit that as per Rule 6(viii)(i) of Regularization rules, when there is litigation pending in respect of land for which, an application for regularization has been filed, the same cannot be considered. In the present case, initially, a suit was pending *vide* O.S.No.462 of 2013. Though the same was dismissed, an appeal *vide* A.S.No.74 of 2024, is pending adjudication and thus, respondent No.2 is justified in cancelling the regularization proceedings granted in favour of the petitioner and therefore, the writ petition is misconceived and is liable to be dismissed.

10. In the light of pleadings and submissions put forth on behalf of the petitioner and respondents, the only point that arises for consideration is whether respondent No.2 is justified in cancelling the layout regularization granted in favour of the petitioner.

11. Perusal of the record discloses that petitioner and his family members are claiming to be the owners of the land admeasuring 1543.44 Sq.mtrs, having acquired the same under different sale deeds; that as the said lands does not form part of any approved layout, petitioner filed an application dated 04.09.2012, for regularization with respondent No.2. It appears that respondent No.2



sought legal opinion from the Standing Counsel for KUDA, Warangal and the Standing Counsel for KUDA gave legal opinion dated 14.05.2013 and 16.07.2013 stating that the suit schedule property in O.S.No.462 of 2013, and the property of petitioner i.e., the plots for which regularization has been sought for by the petitioner are totally different and therefore, LRS proceedings may be issued in favour of the petitioner. Accordingly, respondent No.2 *vide* proceedings No.LRS/C1/783/2012, dated 29.07.2013, regularized the plots of the petitioner. Aggrieved by the same, respondent No.4 and others filed W.P.No.20527 of 2015 and the same was disposed of by this Court *vide* Order dated 20.12.2016, with the following observation:-

"From a perusal of the order of regularization, dated 29.07.2013, it is clear that though the total extent of land claimed by respondent No.4 is 1543.44 square meters, an extent of 79.98 square meters of land is shown as area occupied by the roads (land effected under 33' road). Therefore, these proceedings would justify the claim of respondent No.4 and his family members that from out of their land only 33' road is shown.

Learned counsel for respondent No.4, on instructions from his client, submits that the apprehension expressed by the petitioners that their land is being affected by showing existence of 33' road in the regularization proceedings of the 2nd respondent, no more survives.

Having regard to the above statement of respondent No.4, no further orders are required in the writ petition. The writ petition is accordingly disposed of and the interim order granted earlier is vacated."

12. From the above observation of this Court, it is clear that part of land admeasuring 79.98 square meters belonging to the petitioner on northern side was affected in 33 feet wide road and regularization proceedings were issued only in respect of balance land and that the land belongs to the respondent No.4 was not affected in 33 feet road. Further, it appears that despite the Orders in W.P.No.20527 of 2015, respondent No.4 once again approached the respondent No.3 on the ground that the suit *vide* O.S.No.462 of 2013, filed by respondent No.4 was decreed; that respondent No.3 *vide* order dated 23.12.2017, by referring to the said suit in terms of Rule 6 (viii)(i) of regularization rules and also obtaining legal opinion from the Standing counsel for KUDA, cancelled the regularization proceedings of the petitioner dated 29.07.2013.

13. Perusal of the impugned proceedings dated 23.12.2017 discloses that the said Orders were passed principally by referring to the layout regularization rules under Rule 6 (viii) (i), as per which, in the event of any site, for which application for regularization was made is under litigation/legal dispute regarding ownership or title, the same shall not be considered for regularization. Though the suit *vide* O.S.No.462 of 2013, was decreed subsequent to filing of the writ petition, it appears that the *ex-parte* decree passed in O.S.No.462 of



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2013 was set aside and ultimately, the suit was dismissed by the trial Court *vide* judgment and decree dated 12.12.2023 and an appeal *vide* A.S.No.74 of 2024 is preferred and the same is pending adjudication, however no interim orders have been passed in the appeal.

14. Perusal of the Rule 6(viii)(i) of regularization rules makes it clear that the application filed for regularization of unauthorized plot cannot be considered when the site is under litigation/legal dispute regarding ownership or title. It is pertinent to note that in the present case, O.S.No.462 of 2013 was filed only for injunction, therefore, it cannot be said that there is dispute with regard to ownership or title of the plot belonging to the petitioner. Further, respondent No.4 relied upon W.P.No.20527 of 2015, and the same was disposed of by this Court with an observation that only the land belonging to the petitioner was affected by 33 feet wide road and no land belonging to respondent No.4 is affected and as such, respondent No.3 is not justified in cancelling the regularization proceedings of the petitioner *vide* impugned proceedings dated 23.12.2017, therefore, in considered opinion of this Court, the W.P.No.9790 of 2018 deserves to be allowed.

15. In the light of above discussion, the writ petition is allowed and the impugned proceedings dated 23.12.2017 are set aside. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

That Rule Nisi has been made absolute as above.

Witness THE HON'BLE THE CHIEF JUSTICE APARESH KUMAR SINGH, on this Monday, The Second Day Of February Two Thousand And Twenty Six

SD/-A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, Telangana State, Hyderabad hyderabad
2. The Chairman, Kakatiya Urban Development Authority (KUDA), Office at Near Ashoka Hotel, KancharaKunta, Hanamkonda, Warangal
3. The Vice Chairman, Kakatiya Urban Development Authority, Office at Near Ashoka Hotel, KancharaKunta, Hanamkonda, Warangal.
4. One CC to SRI T.BALA MOHAN REDDY, Advocate. [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
6. One CC to SRI M.AJAY KUMAR, SC for Kakatiya Urban Development Authority. [OPUC]
7. One CC to SRI K.SAI SRIHARSHA, Advocate. [OPUC]
8. Two CD Copies.

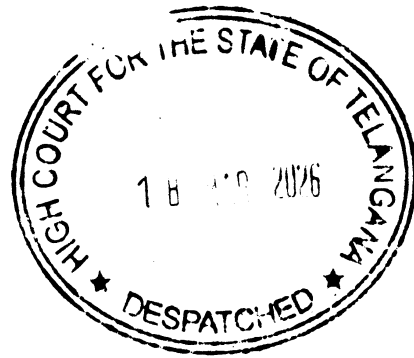
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HIGH COURT

DATED:02/02/2026



ORDER

WP.No.9790 of 2018

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

(11) MT
18/3/26