

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF MAY TWO THOUSAND AND TWENTY FOUR

**:PRESENT:**  
**THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

**WRIT PETITION NO: 12181 OF 2024**

**Between:**

Sri Biradar Bali Ram, S/o.Mohan Rao, Occ. Business, R/o. H.No.4-7-128/6/3,  
Sai Nagar, N.M. Guda, Maruthi Nagar, Attapur Village, Rajendranagar, Ranga  
Reddy District, Telangana State.

**Petitioner**

**AND**

1. The State of Telangana, Department of Endowments Rep by its Principal Secretary, Secretariat, Hyderabad.
2. The Commissioner of Endowments, Government of Telangana, Tilak Road Hyderabad,
3. The Deputy Commissioner, Endowments, Tilak Road, Hyderabad.
4. The Assistant Commissioner, Endowments, Tilak Road, Hyderabad.
5. The Executive Officer, Sri Brahmachary Mutt, Endowments Department, Attapur Village, Rajendranagar Mandal, R.R. 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 the respondent.no.5 in issuing the Impugned Notice vide Lr.no.SBM/2024, dated 23-04-2024 and also in interfering into the construction carried out by the Petitioner in House bearing No.4-7-104/1/1/P, admeasuring 222.5 Sq.yards or 186.01 Sq.Meters(Out of 445.00 Sq.Yards) covered in Survey.No.347 situated at Attapur Village, Rajendranagar, Ranga Reddy District, Telangana State, without issuing any notice or following any due process of law as illegal and violative of principles of natural justice and contrary to the Article 21 of the Constitution of India and consequently direct the Respondents No.3 to 5 not to interfere with the possession, enjoyment and construction of the Petitioner in the aforesaid House Premises.

**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.no.3 to 5 not to interfere with the possession, enjoyment and construction carried out by Petitioner in House Bearing No.4-7-104/1/1/P, admeasuring 222.5 Sq.yards or 186.01 Sq.Meters(Out of 445.00 Sq.Yards) covered in Survey.No.347 situated at Attapur Village, Rajendranagar, Ranga Reddy District pending disposal of WP 12181 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri K L B KUMAR, Advocate for the Petitioner and GP FOR ENDOWMENTS for the Respondent Nos.1 to 4 and Sri J.R. Manohar Rao, SC for the Respondent No.5, the Court made the following.

**ORDER:**

Learned Government Pleader for Endowments takes notice on respondent Nos.1 to 4.

Sri.J.R.Manohar Rao, learned standing counsel takes notice on respondent No.5.

Learned counsel for the petitioner submits that petitioner is the owner and possessor of Easter portion of a House bearing No.4-7-104/1/1/P with built up area of 250 Sft (R.C.C) and 220 Sft (A.C.C), admeasuring 222.5 Sq.yards or 186.01 Sq.Meters (out of 445.00 Sq.yards) covered in Sy.No.347, situated at Attapur Village, Rajendranagar, Ranga Reddy District, having acquired the same through registered sale deed dated 31.07.2020.

Learned counsel for the petitioner submitted the petitioner for construction of 1 Stilt + 2 upper floors on the subject land had obtained permission vide Building permit No.3/C11/05813/GHMC/2021, dated 20.04.2021 and thereafter started construction on the subject land.

While things stood thus, respondent No.5- Sri Brahma Chary Mutt, Endowments Department, Attapur, alleging that the petitioner is carrying construction in their land i.e., in Sy.No.338 to 344, issued notice Lr.No.SBM/2024 dated 23.04.2024 and directed the petitioner to stop the illegal construction/work in the above said land. Aggrieved by the notice dated 23.04.2024, present writ petition is filed.

Learned counsel for the petitioner submitted that in the impugned notice dated 23.04.2024, the Endowment Department land is shown in Sy.No.338 to 344 and further submitted that the petitioner by obtaining construction permission dated 20.04.2021, is carrying construction work on the his land i.e., land in Sy.No.347 and pray this Court to direct the respondent authorities to not interfere with the petitioner's property.

Learned Government Pleader for Endowments has placed the instructions issued by respondent No.4, wherein the following was stated:-

*“the Subject Mutt is having vast tracts of endowed property to a total extent of Ac.09-38 Gts in Sy.Nos.338 to 344 (for brevity the subject Mutt property) in the form of inam lands situated in Attapur village, Rajendranagar Mandal and the same is entered in the Inam Fare Register maintained by the then District Collector, Hyderabad, Munthakab, Old Revenue Records from sethwar, and also the orders since Nizam Government and the said lands are notified U/s. 22 (a)(1)(c) of the Registration Act 1905 for prohibition of registrations and the same is reflected in the I.R.G.S website of the*

*Registration Department and also notified the above lands under Gazette.No.28., dt.9.11.2022 by the District Collector, Rangareddy District. The Tahsildar, Rajendranagar Mandal passed mutation orders in favour of the subject Mutt vide orders in Proc .D/1350/2015, Dt:06.09.2016.*

*The R.DO. Chevella, has issued O.R.C without the notice of the Endowments Department vide A1/2661/75 dated 03.09.1980 in favour of third parties and the Joint Collector, Ranga Reddy District has set aside the same vide F1/4679/2011, Dt.29.09.2016, aggrieved by the same a C.R.P.No.6436/2016 has been filed before the Hon'ble High Court and the High Court passed interim orders Viz" Status-quo obtained as on today shall be maintained in all aspects vide order dated 16.03.2017. (pertaining to the subject Mutt property).....*

*It is submitted that the petitioner herein started encroaching the subject property land to an extent 222.05 sq.yards showing the documents as the land is situated in Sy.No.347, Attapur Village Rajendranagar Mandal on noticing the same, the Executive officer of subject Mutt has issued a notice a dt.23.04.2024 to the petitioner herein...."*

Learned Government Pleader for Endowments further submitted that the Department has conducted the survey and due to election duties the respondent authorities are unable to take further steps.

Learned Standing counsel appearing for respondent No.5 seeks time to file counter.

Heard both sides.

In view of the above submissions, it is clear that there is a dispute on the title of the subject property and respondent authorities are taking steps to identify their land. It is also clear that the petitioner had obtained construction permission vide permit order dated 20.04.2021 and is carrying construction work on the land in Sy.No.347 and the respondent authorities are interfering with the construction work.

Since the subject land is surveyed and what left is only the identification of the subject land and the same would be clarified once the survey report is placed before this Court.

In view of the same, till the actual identity of lands the respondent authorities are directed not to take any steps without following due process of law.

It is made clear that the petitioner shall not claim any equities on the strength of this order and the parties are at liberty to take appropriate steps in accordance with law.

Let the survey report be placed before this Court by the next date of hearing.

List on 06.06.2024.

**SD/-P.CH.NAGABHUSHAMBA  
ASSISTANT REGISTRAR**

**//TRUE COPY//**

  
**SECTION OFFICER**

To,

1. The Principal Secretary, Department of Endowments, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Endowments, Government of Telangana, Tilak Road Hyderabad,
3. The Deputy Commissioner, Endowments, Tilak Road, Hyderabad.
4. The Assistant Commissioner, Endowments, Tilak Road, Hyderabad.
5. The Executive Officer, Sri Brahmachary Mutt, Endowments Department, Attapur Village, Rajendranagar Mandal, R.R. District (1 to 5 by RPAD)
6. One CC to SRI K L B KUMAR Advocate [OPUC]
7. Two CCs to GP FOR ENDOWMENTS, High Court at Hyderabad. [OUT]
8. One spare copy

**HIGH COURT**

**NVSK,J**

**DATED:01/05/2024**

**List on 06.06.2024**

**ORDER**

**WP.No.12181 of 2024**

**DIRECTION**

