

HIGH COURT FOR THE STATE OF TELANGANA HYDERABAD

MAIN CASE No:W.P.Nos.4213, 21417, 21418 and 21454 of 2019; 27186 of 2011; 37857 of 2018; 973 of 2020; 9581, 10060, 11405, 18449, 20495 and 26852 of 2021; 21063, 21401, 22540, 22795, 25072, 25245, 25466, 31376, 39449, 42018, 46386, 46603 and 46609 of 2022; 14444 and 15754 of 2023; 203, 1026, 6318 and 37931 of 2025; 2674 of 2026 and CRP.Nos.6241 of 2018; 72, 587 and 1917 of 2019

PROCEEDING SHEET

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	08.07.2026	<u>JAK, J</u> These cases have a chequered history and a part of such history is being extracted here. The Metropolitan Commissioner/Junior Planning Officer (DN) addressed a letter, dated 16.12.2020, to the Commissioner, Jalapally Municipality, Jalapally. The contents of the said letter are as under: “... It is to inform that this office vide Proceeding/Application No.025152/SMD/LT/U6/HMDA/26062019, dt.10.09.2020 with draft layout Permit No.000091/LO/Plg/HMDA/2020, dt.10.09.2020 accorded draft layout approval with housing (without enclosing the site with compound wall) in Sy.No.145/P of Balapur Village & Mandal, R.R. District to an extent of 346864.92 Sq.mts. Further, this office received complaints vide reference 1st, 2nd & 4th cited, from Sri Kadari Anjaiah & Sri Kallem Narsimha, wherein alleged that the layout permission granted is manifestly illegal and has been granted on the basis of fraud, suppression and misrepresentation. Hence, requesting to cancel the layout and to stop further developments in the site u/r reference until case is disposed. In this regard, it is to inform that as per Section 23(3) of the HMDA Act, the local body is primarily responsible and authorized to take necessary enforcement action against the unauthorized constructions and accordingly the powers were delegated to the Municipal	

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		Corporations vide Lr.No.1803/Policy/Plg/HMDA/2020, dated 19.03.2020. In view of the above, you are hereby directed not to allow further developments in the site under reference until further orders.” A copy of the said letter was marked to M/s.Snehita Builders, represented by Managing Partner Sri Vemi Reddy Narsimha Reddy, Sri Kallem Narsimha Reddy and Kadari Anjaiah. Commissioner, Jalapally Municipality, addressed a letter to M/s.Senhita Builders, pursuant to the letter dated 22.12.2020 of the office of HMDA. Contents of the letter dated 22.12.2020 of the Commissioner, Jalapally Municipality, to M/s.Snehita Builders are as follows: “... With reference to the subject and reference cited from The Metropolitan Commissioner, HMDA, has directed the municipal commissioner, Jalpally that not to allow further developments in the site falling in sy.no.145/p, situated at Balapur village & mandal, until further orders. In view of the above you are hereby directed to stop the development and construction works in the above said site immediately, otherwise action may be taken as per act.” It is brought to the notice of this Court that a learned Single Judge of this Court, by order dated 17.06.2026, allowed W.P.No.22177 of 2025 setting aside the letter, dated 28.09.2024, by this letter the final layout was approved in favour of respondent No.9 i.e., M/s.Snehita Builders. The following is the prayer in W.P.No.22177 of 2025. “...to issue a writ, order or direction more particularly one in the nature of writ of Certiorari to call for the records from the 6th respondent authority declaring the action of Respondent No.4 to 6 in approving the final	

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		layout over the land in Sy.Nos.145 situated at Balapur Village and Mandal Ranga Reddy District in favour of M/s. Snehitha Builders Private limited i.e., Respondent No.9 vide Letter No. Part025152/SMD/LT/U6/F1/2019, dated 28 09 2024 as arbitrary, illegal, unconstitutional, violation of principles of natural justice and contrary to the proceedings vide Proc.No. 2335/SHZ/PLG/HMDA/2020, dated 06.12.2021 issued by Respondent No.4 and consequential relief to revoke the approved layout dt. 28.09.2024 in favor of Respondent No.9 with the further directions to the Respondent Municipal Authorities i.e., Respondent No.2 and 3 to demolish the illegal structures over the property to an extent of Ac.348.35 Gts. in Survey Nos.144 and 145 situated at Balapur Village and Mandal Ranga Reddy District and pass ...” It is trite to extract the relevant portions of the learned Single Judge’s order, which this Court is bound to take note in the light of the proceedings which are underway in this batch of writ petitions. “27. In the teeth of the interim orders passed by this Court, the surrender of tenancy rights in favour of respondent No.9 in respect of the subject property stood suspended, thereby, respondent No.9 holds no valid title over the subject property. 28. Hence, the observations and understanding on which the HMDA granted final approved layout are factually incorrect and are contrary to the interim orders passed by this Court in the pending Writ Petitions and CRP, mentioned hereinabove. 29. As regards the contention of respondent No.9 that the petitioners have already alienated their share in the subject survey number and as such, they have no locus standi to file the present Writ Petition, a perusal of the record discloses that the interse tenancy rights in respect of the subject survey numbers between the legal heirs of the protected tenant-Kadari Venkaiah are not adjudicated conclusively and the matter is pending consideration before the revenue authorities. Therefore, this Court exercising the powers under Article 226 of the Constitution of India cannot delve into the said disputed question of title and it is for the parties to agitate the same before the appropriate forum which after conducting detailed enquiry, shall pass appropriate orders in accordance with law. 30. For the foregoing reasons and discussion, this Court holds that respondent No.9 has suppressed and not disclosed the subsistence of interim orders passed by this Court in the aforementioned Writ Petitions in respect of the subject survey number, which amounts to	

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		misrepresentation of material facts and therefore, the impugned final approved layout is liable to be set aside. 31. Accordingly, this Writ Petition is allowed, setting aside the letter No.Part025152/SMD/LT/U6/F1/2019, dated 28.09.2024, whereby final layout was approved in favour of respondent No.9, and the matter is remanded to respondent No.6 with a direction to take into account and scrupulously follow all the orders passed by this Court in the aforesaid Writ Petitions in respect of the subject survey number, afford an opportunity of hearing to all the parties concerned and pass appropriate orders in accordance with law. No costs.” On a perusal of the contents of the judgment, it is apparent that, as on date there is no layout in respect of the said venture. Once the final layout has been set aside, the unofficial respondents cannot and should not undertake any activity, such activities if undertaken would fall outside the purview of law. Directions were issued earlier on 16.12.2020 and 22.12.2020, they are a part of the record. It appears that subsequent to the letter, dated 22.12.2020, certain development activities have taken place, if such developments are carried out, they are not in tune with the communications of Commissioner, Jalapally, preceded by the communication of office of HMDA Commissioner (Junior Planning Officer of HMDA). This Court is only concerned with the implications which would follow, if such development acts are permitted to continue, in spite of requests to stop the development activities being carried out by M/s. Snehita Builders.	

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		Having considered the entire factual matrix and the acts being continued in respect of the disputed parcel of land in Survey Nos.144 and 145, this Court was of the considered opinion that a report was necessary from the office of Collector, Ranga Reddy. Collector, Ranga Reddy, was requested to be present online, having briefed the facts, sought for a report by Monday i.e., 13.07.2026 from the office of Collector, so that the Court can have a fair idea of what transpired on the field and what is transpiring on the field. The office of Collector is directed to take note of the letters addressed by HMDA and also the letter addressed by Commissioner, Jalapally Municipality, and if there are any lapses on the part of the Commissioner, Jalapally Municipality, the same shall be recorded in the report. Acts of developer in undertaking the activities on the site, in spite of letters being addressed by the authorities, such acts would amount to non-adherence to the directions issued, which cannot be permitted under law. It is trite to take note of the orders in W.P.No.2674 of 2026. A learned Single Judge of this Court by an order dated 04.02.2026 in W.P.No.2674 of 2026, passed the following order: “Notice before Admission. Learned Government Pleader for Revenue takes notice on behalf of respondent Nos.1 ,2, 4 and 5, waives further notice and seeks time to file counter-affidavit. Registry is directed not to take out further notice to respondent Nos.1, 2, 4 and 5, in view of the above waiver.	

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		Learned counsel for the petitioners is permitted to take out personal notice to respondent No.3 through speed post with acknowledgment due and file proof of service in the Registry by the next date of hearing. Sri Vedula Venkat Ramana, learned Senior Counsel appearing for the petitioners, submits that it is apparent from the impugned proceedings dated 28.01.2022 that the protected tenancy rights have been shown as having been surrendered in favour of respondent No.3-Company. However, respondent No.3 is not a landholder within the meaning of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (hereinafter referred to as "the Act, 1950"). Learned Senior Counsel further submits that such surrender is purported to have been made under Section 19(1) of the Act, 1950. A plain reading of Section 19(1) makes it unequivocally clear that protected tenancy rights can be surrendered only in favour of the landholder and in no other manner. It is therefore submitted that the alleged surrender of protected tenancy rights in favour of a third party, who is not a landholder, is wholly dehors the statutory scheme of the Act, 1950. Therefore, learned Senior Counsel seeks indulgence of this Court. Having considered the submissions advanced by the learned Senior counsel for the petitioners, there shall be an interim direction to the respondents to maintain status-quo with regard to the subject property in all respects, pending further orders of this Court. Post this matter along with W.P. No.21417 of 2019 and batch on 01.04.2026." The prayer in W.P.No.2674 of 2026 is as follows: "...to issue Writ of Certiorari or any other appropriate writ and quash the proceedings of the 1st respondent in File No.B/1386/2021 dated 28. 01. 2022 recording the surrender of the PT rights of the petitioners to the extent of undivided 1/6th share of the PT land admeasuring Acs.230.00 in Sy.No.144 and 145 of Balapur village and Mandal Ranga Reddy District in favour of the 3rd respondent who is not the landholder in respect of the said PT land and consequently direct the respondents to restore the protected tenancy rights of the petitioners by recording their names in the PT register and final record of tenancy as continuing protected tenants by way of succession in respect of the entire of land admeasuring Ac.348.35 guntas in Sy.Nos.144 and 145 of Balapur village and Mandal Ranga Reddy District, if necessary by declaring that the 3rd respondent being neither a landholder nor in any way having any legal interest over the said land within the meaning of the Act has no right whatsoever over the said protected tenanted land and grant such other relief as it deems fit in the circumstances of the case..."	

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		During the course of submissions, it is brought to the notice of this Court that unofficial respondent No.3 has sold away the property to another person and the said property has changed numerous hands by way of registered sale deeds. a) Be that as it may, keeping in view the order passed by the learned Single Judge of this Court on 04.02.2026 in W.P.No.2674 of 2026, this Court deems it appropriate that <i>status quo</i> should be maintained by the parties in W.P.No.2674 of 2026. b) It is observed that the <i>status quo</i> is in respect of the entire subject land i.e., to the extent of Acs.348.35 guntas. Hence, it becomes imperative that <i>status quo</i> should and must be maintained by all other parties or persons who are dealing in respect of the subject property. If the order of <i>status quo</i> is in respect of the subject property, any party or person dealing with the property is under the umbrella of the order of <i>status quo</i>. Hence, the need to extend the order to all other parties/persons who deal with the subject property and the order stands extended. c) No registrations shall be carried out in respect of the extent of land admeasuring Acs.348.35 guntas in Survey Nos.144 and 145 by any of the Sub Registrars dealing with any extent of the property (i.e., even one square feet) in Survey Nos.144 and 145.	

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		d) The office of Collector is requested to look into the aspect of registrations and shall direct the Sub-Registrars not to entertain any deeds whatsoever in respect of the property. It is stated that M/s. Snehita Builders is not in possession or enjoyment of the extent of property. e) The order of learned Single Judge is in respect of the entire property and the prayer in the writ petition is also in respect of the entire property i.e., Acs.348.35 guntas. This Court deems it appropriate that the issue cannot be precipitated any further i.e., by creation of third party rights by any persons/parties in respect of the scheduled property in the interests of justice. f) The office of the Collector shall put up a signboard on the entire property stating that <i>status quo</i> order is existing in respect of the entire property, i.e., Acs.348.35 guntas, and it is the duty of the Collector to state in his report that such notice has been put up in the entire extent of property i.e., Survey Nos.144 and 145 in a conspicuous place. This Court is conscious that the parcel of land in Sy.Nos.144 and 145 is not a Government property, yet, this Court has consciously requested the Collector to put up sign boards at conspicuous places so that the citizens are aware of the proceedings before entering into any purchase of plots or parcels of land. It is only with this view, which is in the interest of	

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		public at large and also in the interest of justice, this Court has requested the Collector to put up sign boards. It is evident from the material on record that number of sale transactions have taken place by many parties and third party rights are being created, which would only multiply the litigation, which is not the purport of law. g) Needless to state that whoever has subsequently purchased the property from M/s. Snehita Builders or any of the parties to this litigation or any other persons claiming that they are owners of the property, in spite of the litigation pending before this Court, such persons/parties are bound by this order passed by this Court and the order passed by the learned Single Judge on 04.02.2026, in the interests of justice. Mr. S. Ashok Anand Kumar, learned Senior Counsel appearing on behalf of M/s. Snehita Builders, submitted that certain parcels of land were sold by the parties, who claim themselves to be protected tenants. Learned Senior Counsel invited the attention of this Court to such agreement of sales and sale deeds, having invited so, learned Senior Counsel sought indulgence of this Court to direct that any party, who indulges in sale transaction(s) or act(s) of alienation(s) or any developmental activity being taken up or going to be taken up etc., in respect of the entire extent of property, i.e., Acs.348.35 guntas, such	

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		parties/persons should be restrained from doing so. Having considered the request of the learned Standing Counsel, this Court has no hesitation to hold that such directions have already been issued by this Court in the preceding paragraphs i.e., in paragraphs from “a to g”, supra. This Court directs all the authorities of the State Government not to undertake and process any applications or representations made by any parties and any deeds presented for alienation, registration etc., and no permissions for development of the property or building activity or construction activity etc., shall be permitted, in any manner whatsoever, as the <i>status quo</i> is in respect of the entire extent of Acs.348.35 guntas. The office of Collector to take note of the above observations and submit a report in respect of the acts, which have taken place and which are taking place as on the date. The Collector, Ranga Reddy, shall keep all these developments in mind and submit a report by Monday, i.e., 13.07.2026. The Collector shall take note of this order and communicate a copy of this order to all the offices under his jurisdiction, in the interest of justice. Needless to state that <i>status quo</i> shall be maintained in all aspects in respect of the entire extent of property in Survey Nos.144 and 145 i.e., Acs.348.35 guntas.	

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		Post these matters on 09.07.2026. JAK, J KH	

