

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

FRIDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

**:PRESENT:
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO**

WRIT PETITION NOS: 14102 & 17911 OF 2007

W.P. NO. 14102 OF 2007:

Between:

The Society for Prevention of Cruelty to Animals, rep. by its Honourary Secretary, Ashok Kumar Kimtee S/o. Late S.R.Kimtee, R/o. H.No.4-5-150, Sultan Bazar, Hyderabad.

Petitioner

AND

1. Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Office at Tank Bund Road, Hyderabad.
2. Principal Secretary to Government, Revenue, (Endowments) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.

Respondents

Counsel for the Petitioner : SRI V.HARIHARAN, Senior Counsel

**Counsel for Respondent No.1 : SRI MIDDE ARUN KUMAR,
Standing Counsel for GHMC**

Counsel for Respondent No.2 : GP FOR ENDOWMENTS

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 of Mandamus, or any other appropriate writ, order or direction, declaring the respondents more specifically the first respondent herein not to make any addition, alteration, construction, laying of roads, etc., on or any portion of the property of the petitioner society bearing No. 14-7-95, Muslim Jung Bridge, Hyderabad, admeasuring 4000 sq. yards and consequently direct the respondents to remove and forbid from interfere with the rights of the petitioner society;

WRIT PETITION NO: 17911 OF 2007:

Between:

The Society for Prevention of Cruelty to Animals, rep. by its Honourary Secretary, Ashok Kumar Kimtee S/o. Late S.R. Kimtee, aged about 57 years. R/o. H. No. 4-5-150, Sultan Bazar, Hyderabad.

Petitioner

AND

1. Government of Andhra Pradesh, Revenue (Endowments-II) Department, rep. by its Principal Secretary to Government, L Block, 7th Floor, Secretariat, Hyderabad (AP)
2. The Regional Joint Commissioner, Endowment, Department, Tilak Road, Hyderabad.
3. The Assistant Commissioner-Twin Cities, Endowments Department, Tilak Road, Hyderabad.

Respondents

Counsel for the Petitioner : SRI V.HARIHARAN

Counsel for Respondents : GP FOR ENDOWMENTS

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 of Certiorari, or any other appropriate Writ, order or direction, calling for the records pertaining to Memo No. 21895/Endts. II(I)/2007-7 dated 17-07-2007 on the file of the first respondent herein, confirming the orders of the Second respondent in R.P. No. 27/1988, dated 30-11-1988 which in turn confirmed the orders of the 3rd respondent in Memo RC No. E/904/882 dated 08-03-1988, and quash the same and consequently hold the respondents herein are without any authority in law and lack jurisdiction in exercising any power as against the administration and management of the petitioner under the provisions of the Act. 30/1987;

The Court made the following
ORDER:

When the matter is taken up for hearing, Sri K. Hariharan, learned Senior counsel has brought to the notice of this Court that by order dated 24.02.2011, this Court directed the Endowments Department to look out the feasibility of providing land admeasuring Ac.1.00 for running Veterinary Hospital for the welfare of the animals, treatment and also for running a Goshala to the petitioner in the nearest possible place. This Court also observed that failing which this Court would be compelled to take such action as is open to it against the then Commissioner in particular and the Municipal Corporation in general. The Corporation was also directed to inform this Court the basis on which the third parties were inducted, who are said to be running a hotel.

Today, learned Government Pleader for Endowments as well as Sri Midde Arun Kumar, learned Standing Counsel for GHMC submit that in fact some part of the land where the trust was running a Veterinary Hospital for the sick animals is also made use for Goshala. The learned Senior counsel contends that the petitioner is a private trust which was established in the year 1927 and has been running without any profit motive with paramount consideration for welfare of the animals. The then the Hon'ble the Chief Justice of the erstwhile High Court at Andhra Pradesh under Nizam Government

was the Chairman of the trust and that as on date there was no allegation that funds which are being received as donations from the interested persons were being misused nor there is allegations that the land where the Veterinary Hospital is running for treating the animals were treated was misused by the trustees.

It is further contended that, respondent No.2 there being any notice and without following due procedure and proper adjudication, passed the order dated 08.03.1998 which is subjected to revision before the Regional Joint Commissioner and the Regional Joint Commissioner without proper adjudication of the facts affirmed the order passed by the Assistant Commissioner for Endowments. The said order is now assailed in the present writ petition. Initially the land was consisting of 4000 Sq. Yards, which was allotted by the then Nizam for the trust, was being used for running the Veterinary Hospital and treating the sick animals along with Goshala.

Sri Hariharan, learned Senior counsel would submit that as of now a road has been laid in part of the subject property and a part has been encroached at the instance of the respondents. Apart from that, the petitioner trust which was running Veterinary Hospital, is deprived rendering services to the animals and also for such other good purposes. Evidently, from the entire factual matrix of the case and the impugned orders, the land has been looked upon by the trust for running veterinary Hospital and allied purposes. Though originally the land was 4000 Sq. Yards it has been reduced to 2096 Sq. Yards and out of it a part has been used to lay a road by GHMC and on a part Hotel has been established.

In that view of the matter, the land which was used by the trust as Veterinary Hospital to treat animals and Goshala being encroached by a private person for running a hotel, the respondent Nos.1 and 2 are hereby directed to remove all the encroachments on the disputed land within a period of two (02) weeks from today by following due process of law and protect the said premises from the encroachments and report compliance of the same to this Court by the next date of hearing.

It is needless to state that learned Government Pleader for Endowments and learned Standing Counsel for GHMC shall intimate the same to the respondents for appropriate action. For any police protection in removing encroachments for land and order the respondents are at liberty to approach the Commissioner of Police, Hyderabad for police protection for removal of the unauthorized occupants on the dispute premises and the Commissioner of Police, Hyderabad shall extend all cooperation in removal of the encroachments.

For Compliance of this order, list this case on 30.01.2026, under the same caption.

SD/-T.SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation Office at Tank Bund Road, Hyderabad.
2. The Principal Secretary to Government, Revenue, (Endowments) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
3. The Principal Secretary to Government, Revenue (Endowments-II) Department, Government of Andhra Pradesh, L Block, 7th Floor, Secretariat, Hyderabad.
4. The Regional Joint Commissioner, Endowment, Department, Tilak Road, Hyderabad.
5. The Assistant Commissioner-Twin Cities, Endowments Department, Tilak Road, Hyderabad.
6. The Commissioner of Police, Hyderabad City, Hyderabad (Addressees 1 to 6 BY SPAD)
7. Two CCs to GP for Endowments, High Court for the State of Telangana, at Hyderabad (OUT)
8. One CC to Sri Midde Arun Kumar, Standing Counsel for GHMC (OPUC)
9. One CC to Sri V.Hariharan, Senior Counsel (OPUC)
10. One Spare Copy

HIGH COURT

SCR J

DATE: 09-01-2026

NOTE: POST ON 30-01-2026

ORDER

WP. NOS. 14102 & 17911 OF 2007

DIRECTION

