



2025:TSHC:61792
[3296]

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA,
AT HYDERABAD**

THURSDAY ,THE NINETEENTH DAY OF JUNE

TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY**

WRIT PETITION NO: 16811 OF 2025

Between:

1. Boda Lingaiah, S/o Mallaiah.
2. Gone Veeraswami, S/o Bikshamaiah.
3. Jaila Uppalaiah, S/o Ramaiah.
4. Gone Mallaiah, S/o Lakshmaiah.
5. Gone Biksham, S/o Saidulu.
6. Gone Ramu, S/o Mallaiah.

Petitioners

AND

1. The State of Telangana, rep by Principal Secretary (Revenue), Secretariat, Hyderabad.
2. The District Collector, Bhadradi Kothagudem District, Kothagudem.
3. The Revenue Divisional officer, Bhadrachalam.
4. The Tahsildar, Dummugudem, Bhadradi Kothagudem District.

Respondents

WHEREAS the Petitioners above named through their Advocate SRI P RAMA SHARANA SHARMA presented this 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 pass an order or direction or writ in the nature of Writ of Certiorari duly calling for the records in L.E.Appeal Case No. 08/2025 DGM, in the Court of the Revenue Divisional Officer, Bhadrachalam dated 28.04.2025, and quash the same in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri P RAMA SHARANA SHARMA Advocate for the Petitioners, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.



You viz:

1. The Principal Secretary (Revenue), State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Bhadradi Kothagudem District, Kothagudem.
3. The Revenue Divisional officer, Bhadrachalam.
4. The Tahsildar, Dummugudem, Bhadradi Kothagudem District.

are directed to show cause on or before 17.07.2025 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2025

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 impugned order vide L.E.Appeal Case No. 08/2025 DGM, in the Court of the Revenue Divisional Officer, Bhadrachalam dated 28.04.2025, in the interest of justice, pending disposal of WP No. 16811 of 2025, on the file of the High Court.

The Court made the following: ORDER

Notice before admission.

Learned Assistant Government Pleader for Revenue takes notice for the respondents and seeks time to file counter affidavit.

It is stated that the petitioners have filed an appeal against the order dated 18.12.2024 passed by the 4th respondent under Telangana Land Encroachment Act, 1905, with reference to the lands admeasuring Acs. 16.90 guntas in Survey Nos.55/2, 52/1, 51/4, 51/3, 51/1 and 53/2, situated at Peddanailabelli Village, Dummugudem Mandal, Bhadradi Kothagudem District (for short, 'the subject lands') and the 3rd respondent, who is the appellate authority, has taken the appeal on record vide LE Appeal No.08/2025 DGM and the said appeal was dismissed vide order dated 28.04.2025.

Admittedly, the lands in Survey Nos.55/2, 52/1, 51/4, 51/3, 51/1 and 53/2 are situated in Scheduled area and the Telangana Scheduled Areas Land Transfer Regulation, 1959 would govern the *inter se* disputes between the petitioners, who are non-tribal and other contesting parties.

The issue raised in this writ petition is whether the specific provisions of the Telangana Land Encroachment Act, 1905 or the provisions of the



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Telangana Scheduled Areas Land Transfer Regulation, 1959 would apply to the facts of the case.

Learned counsel for the petitioners contended that both the 2nd respondent-District Collector and the 3rd respondent-Revenue Divisional Officer are not having any jurisdiction to invoke the provisions of the Telangana Land Encroachment Act, 1905, more particularly the scheduled areas, wherein the scheduled areas are governed under the laws enacted under the V Schedule of the Constitution of India.

The issues raised herein are required to be examined after filing of the counter affidavit.

Pending adjudication of the above issues and filing of the counter affidavit, since the petitioners are in possession of the subject lands since last 40 years, both the parties are directed to maintain *status quo* in respect of the subject lands in all respects for a period of four (04) weeks from today.

List on 17.07.2025.

//TRUE COPY//

SD/-V.KAVITHA
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary (Revenue), State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Bhadrachalam District, Bhadrachalam.
3. The Revenue Divisional officer, Bhadrachalam.
4. The Tahsildar, Dummugudem, Bhadrachalam District. (RR 1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI. P RAMA SHARANA SHARMA Advocate [OPUC]
6. Two CCs to GP FOR REVENUE ,High Court at Hyderabad. [OUT]
7. One spare copy
SRT



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HIGH COURT

CVBRJ

DATED:19/06/2025

List on 17.07.2025

NOTICE BEFORE ADMISSION

WP.No.16811 of 2025

STATUS QUO



cu/s/w