



[3299]

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

MONDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 16811 OF 2025

Between:

1. Boda Lingaiah, S/o Mallaiah, Aged 50 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
2. Gone Veeraswami, S/o Bikshamaiah, Aged 45 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
3. Jaila Uppalaiah, S/o Ramaiah, Aged 50 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
4. Gone Mallaiah, S/o Lakshmaiah, Aged 55 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
5. Gone Biksham, S/o Saidulu Aged 40 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
6. Gone Ramu, S/o Mallaiah, Aged 45 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.

...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

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



2025:TSHC:61792

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.

IA NO: 3 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 extend the interim order dated 19.06.2025 in WP No.16811 of 2025 granting status quo to be maintained with regard to the subject property in Survey Numbers 55/2, 52/1, 51/4, 51/3, 51/1 & 53/2 to an extent of AC. 16-90 Guntas at Peddanallabelli Village of Dummugudem Mandal, Bhadradi Kothagudem District till further orders and to pass such other and further orders.

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.

IA NO: 2 OF 2025

Between:

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.

... PETITIONER/RESPONDENTS

AND

1. Boda Lingaiah, S/o Mallaiah, Aged 50 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
2. Gone Veeraswami, S/o Bikshamaiah, Aged 45 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.



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3. Jalla Uppalaiah, S/o Ramaiah, Aged 50 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
4. Gone Mallaiah, S/o Lakshmaiah, Aged 55 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
5. Gone Biksham, S/o Saidulu Aged 40 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.
6. Gone Ramu, S/o Mallaiah, Aged 45 years, Occ. Agriculture, R/o China Bandirevu Revenue Village, Dummugudem Mandal, Bhadradi Kothagudem District.

... RESPONDENT/PETITIONERS

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 vacate the interim order dated:-19/06/2025 passed in WP.No. 16811 of 2025 and dismiss the Writ Petition and pass such other order or orders.

Counsel for the Petitioner : SRI P.RAMA SHARANA SHARMA

**Counsel for the Respondents No.1to4: SRI L.RAVINDER, AGP FOR REVENUE
on behalf of GP FOR REVENUE SRI K.MURALIDHAR REDDY**

The Court made the following: ORDER



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THE HON'BLE SRI JUSTICE E.V.VENUGOPAL
WRIT PETITION No.16811 of 2025

ORDER :

The present writ petition is filed by the petitioners under Article 226 of the Constitution of India for the following relief :

“...seeking issuance of a 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...”

2. Heard Sri P.Rama Sharma, learned counsel for the petitioners and Sri L.Ravinder, learned Assistant Government Pleader appearing on behalf of learned Government Pleader for Revenue Sri K.Muralidhar Reddy.

3. The learned counsel for the petitioners submits that the petitioners having aggrieved by the common order passed by the 3rd respondent have instituted the present joint writ petition stating that they preferred an appeal against the orders of the 4th respondent dated 18.12.2024 passed under the Telangana Land Encroachment Act, 1905 in respect of lands in Survey Nos.55/2, 52/1, 51/4, 51/3, 51/1 and 53/2 admeasuring Ac.16-90 guntas situated at Peddanallabelli Village, Dummugudem Mandal, Bhadradi Kothagudem District. The appellate authority the 3rd respondent took the appeal on file as L.E.Appeal No. 08 of 2025 DGM and dismissed it by order dated 28.04.2025. The said



order, being illegal, arbitrary, contrary to the material on record and passed without due consideration of the petitioners' contentions, is under challenge herein.

(a) The learned counsel for the petitioners asserts that the subject lands have been in continuous possession of the petitioners for three generations and constitute their sole source of livelihood. They have been cultivating the said lands and were also issued possession certificates by the Tahsildar, thereby acknowledging their possession. Hence, the provisions of the Land Encroachment Act are inapplicable. However, acting on extraneous considerations, the Tahsildar issued notices under Section 7 of the Act and passed eviction orders without due regard to the petitioners' objections. The eviction orders were earlier challenged before this Court, wherein it was directed to pursue the statutory appeal while protecting the petitioners from eviction until disposal of such appeal. In compliance, they preferred the appeal before the 3rd respondent, who, despite recording their submissions, dismissed the appeal without proper application of mind or law. Though the Act provides for a revision before the District Collector, the same is neither efficacious nor adequate, as the authority lacks jurisdiction to interpret the law and ordinarily aligns with the government's stance. Moreover, the impugned notices and orders are



beyond the scope of the Act and warrant judicial scrutiny under Article 226 of the Constitution of India.

(b) The learned counsel for the petitioners submits that the Act of 1905, though adopted by the successor States, must still be applied in conformity with its scope and purpose. The authorities are first required to determine whether the land is Government property within the meaning of Section 2 of the Act and next to ascertain whether the occupation is unauthorised. The Act merely provides that occupants may be evicted, making eviction discretionary and not mandatory. The petitioners submit that the subject lands do not fall within the statutory definition of Government property. Their possession for over seven decades, their entries in the revenue records and the possession certificates issued by the Tahsildar negate any allegation of unauthorised occupation. At best, their occupation is a permitted one lacking formal title, a matter they reserve the right to pursue separately.

(c) Section 5 of the Act contemplates levy of assessment on unauthorised occupants and Section 6 confers only a discretionary power of eviction, which must be exercised in accordance with principles of natural justice. As the revisional authority is none other than the District Collector, who cannot adopt a view different from that



of the subordinate authorities, the petitioners assert that intervention of this Court is warranted.

4. The learned Assistant Government Pleader, representing learned Government Pleader for Revenue submits that the writ petition is misconceived and liable to be dismissed, as the petitioners have no lawful title, assignment or authority to occupy the subject lands, which stand classified as Government land under the Telangana Land Encroachment Act, 1905. Long-standing possession or entries in revenue records, including alleged possession certificates, do not confer any legal right or dilute the Government's proprietary claim. The Tahsildar issued notices under Section 7 and passed eviction orders strictly in accordance with law after granting due opportunity and the appellate authority independently considered all contentions before dismissing the appeal through a reasoned order. The petitioners have an efficacious statutory remedy of revision before the District Collector and cannot bypass the same by invoking Article 226 on speculative grounds. The Act continues to apply with full force and the Government is under a statutory obligation to remove encroachments and the discretionary wording of Section 6 does not curtail this authority. The petitioners' assertion that the land does not fall within the definition of Government property is contrary to official land records and unsupported by any documentary evidence. No violation of natural



justice or jurisdictional error is demonstrated and hence the writ petition deserves to be dismissed.

5. Upon consideration of the rival submissions and the material placed on record, this Court finds no ground to interfere under Article 226 of the Constitution of India. The petitioners have failed to establish any lawful title, assignment or authorised right of occupation over the subject lands and their reliance on long-standing possession or revenue entries does not confer any legal entitlement against the State's proprietary rights. The notices and eviction orders issued under Section 7 of the Telangana Land Encroachment Act, 1905, as well as the appellate order of the 3rd respondent, have been passed in due compliance with statutory procedure and after affording adequate opportunity to the petitioners. No jurisdictional error, violation of natural justice or perversity is demonstrated. An efficacious statutory remedy of revision is available, which the petitioners have deliberately chosen not to invoke, rendering the writ petition not maintainable. The challenge to the classification of the land as Government land is unsupported by any substantive material and cannot displace official records. In these circumstances, this Court finds no merit in the writ petition and the same is accordingly dismissed.

6. In the result, the present writ petition is dismissed. There shall be no order as to costs.



7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/- K. BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI P.RAMA SHARANA SHARMA, Advocate. [OPUC]
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
3. Two CD Copies.

BSK

TJ



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HIGH COURT

DATED:17/11/2025

ORDER

WP.No.16811 of 2025



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

QNT
1/14/26