

**IN THE HIGH COURT OF JUDICATURE FOR THE STATE OF
TELANGANA
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

I.A.No. 1 of 2026

IN

CONTEMPT CASE Nos. 2395, 2396 AND 2397 OF 2026

COMMON ORDER:

These contempt cases have been filed by Petitioner, in respect of i) the order dated 03.09.2024 in I.A. No. 1 of 2024 in W.P. No. 24204 of 2024, ii) the Order dated 22.02.2022 in W.P. No. 30773 of 2021 and iii) the order dated 28.05.2025 in W.P. No. 22143 of 2024, stating that respondents therein have violated the orders wilfully. All three orders relate to one and the same land in Sy.Nos.1003, 1004, 1005 & 1006 totally admeasuring Acs.13-17 Gts., situated at Kukatpally Village, Mandal, Medchal-Malkajigiri District (hereafter referred as 'subject land') and the contempt alleged in each of the three cases arises out of one and the same incident, namely demolition and dispossession carried out by respondents / contemnors commencing on 25.05.2026 and 26.05.2026. As, the subject land, the offending acts and reliefs are common to all three cases, and as facts arising therein are identical, this Court considers it just and convenient that these contempt cases be taken up and heard together.

2. The Interlocutory Applications in these three cases have been preferred by petitioner to grant interim relief by directing the Respondents /Contemnors, jointly and severally, to forthwith restore the subject land to the state and condition in which it existed immediately prior to 25.05.2026, and to restrain Respondents /Contemnors from causing any further interference with the Petitioner's possession and enjoyment of the subject land, pending disposal of the contempt case.

3. By the Order dated 22.02.2022 in W.P. No. 30773 of 2021, this Court while allowing the Writ Petition, directed the Respondent/Contemnors or anybody claiming through them from interfering with the peaceful possession and enjoyment of the Petitioner over the subject land and further confirmed that Subject land of the Petitioner is falling in Kukatpally Village.

4. By Order dated 03.09.2024 in I.A. No. 1 of 2024 in W.P. No. 24204 of 2024, this Court recorded the categorical undertaking furnished on behalf of the HYDRAA that, in the event of the authorities undertaking any action, such action would be taken only by following the due process of law, and this Court further directed that the respondent-authorities shall not take any precipitative action in respect of the subject land.

5. By Order dated 28.05.2025 in W.P. No. 22143 of 2024, this Court held that the entire subject land, comprising Survey Nos. 1003 to 1006 of Kukatpally Village and Mandal, Medchal-Malkajgiri District, stood exempted and regularised by the Government itself under G.O.Ms. No. 469 dated 26.03.2008 upon collection of a sum of Rs.9,27,49,903/-, way back in 2008. While holding that the said subject land cannot be claimed as a water body, shikam or tank, this Court held that, in order to balance the equities, the official respondents are not precluded from taking appropriate steps to restore the water body said to be situated in Survey No. 7 of Khanamet Village, if such a water body ever existed. It was further held that, if the authorities are unable to restore the water body in Survey No. 7 of Khanamet Village for any reason, including (but not confined to) defective survey records or issues of overlapping, the official respondents may restore the water body in nearby Government land.

6. It is the case of the petitioner that subject land stands regularised under G.O. Ms. No. 469 dated 26.03.2008 by collecting Rs.9.27 crores and has been declared free of all encumbrances; this Court in W.P. No. 30773 of 2021 by order dated 22.02.2022 held the purported overlapping survey to be illegal and not binding and restrained interference with the petitioner's possession; and W.P. No. 22143 of 2024 was

dismissed by order dated 28.05.2025 with costs, the plea that the subject land is a water body, Shikam or Tank, both of which orders have attained finality. It is further contented that the Respondent/Contemnors not only filed a counter affidavit but also contented that the subject land is a Patta Land and that there is no water body, Shikam or Tank.

7. It is the further case of petitioner that, notwithstanding the subsisting order dated 03.09.2024 and the recorded undertaking, the Respondents /Contemnors through their staff and subordinates entered upon the subject land on 26.05.2026 at about 3.50 PM without any prior notice and proceeded to demolish the compound fencing, the security rooms and the entry gate, to damage the machinery and equipment stationed thereon, to disconnect the electricity supply, to forcibly remove the petitioner's men, and to take over possession of the subject land, and have erected fencing and a board upon the subject land asserting it to be government land protected by the HYDRAA. In proof of the said acts, the petitioner has placed on record contemporaneous photographs of the subject land. The petitioner contends that the HYDRAA has further publicised the said acts in the media, and that the disobedience is wilful, deliberate and in direct breach of the undertaking recorded by this Court.

8. The petitioner has placed on record a series of orders of this Court. A Division Bench of this Court in Contempt Case No. 2060 of 2025 held the HYDRAA guilty of contempt for wilful disobedience of the order dated 12.06.2025 and observed that a contemnor cannot be permitted to enjoy the fruits of his contumacious acts, directing restitution of the land in question. A Coordinate Bench of this Court in W.P. Nos. 5409 and 5415 of 2026, when confronted with acts of substantially identical content upon land protected by subsisting orders, was pleased to hold that any act of fencing or fixing of boards must be founded upon the direction of a jurisdictional Court or of this Court; the HYDRAA cannot constitute itself as its own judge and its own court, and accordingly directed the immediate removal of the offending board, making it clear that for so long as the offending structure subsisted the HYDRAA was liable to pay a sum of Rs. 1,00,000/- per day until compliance.

9. It is contented that a Coordinate Bench of this Court while dealing with the demolitions carried out at the FCI Housing Society, Gachibowli, came down upon the very legality, urgency and jurisdiction of the HYDRAA in entering private land and effecting pre-dawn demolitions in defiance of judicial directions, and restrained the HYDRAA from carrying out demolitions in the city, noting the conspicuous absence of any

Standard Operating Procedure governing such drives. It is further contented that the said orders, illustrative and not exhaustive, *prima facie* establish that the present is another instance of the same course of conduct.

10. Heard Sri P. Venugopal, learned Senior Counsel assisted by Sri Zeeshan Adnan Mahmood, learned counsel for petitioner as well as Sri Rahul Reddy, learned Special Government Pleader who vehemently opposed the Applications.

11. Having perused the affidavit filed in support of the Applications, the photographs placed on record, and the Orders in W.P. No. 30773 of 2021, W.P. No. 24204 of 2024 and W.P. No. 22143 of 2024 referred to above, this Court is satisfied that petitioner has made out a strong *prima facie* case of wilful disobedience of the order of this Court and of breach of the undertaking recorded therein. The material on record *prima facie* discloses that the respondents / contemnors entered upon the subject land and carried out demolition, destruction and dispossession in respect of land which is in the possession of the petitioner and which is protected by subsisting orders of this Court, without issuance of a notice and without following any due process of law and in the very teeth of the direction not to take precipitative action. The balance of convenience lies wholly in favour of the petitioner, and grave and irreparable

injury would be occasioned if the consequences of the prima facie breach are permitted to subsist and the contemnors are permitted to consolidate their occupation during the pendency of the contempt case.

12. The stand now taken by the respondents / contemnors is contrary to their stand as recorded in the Order and their own pleadings in W.P. No. 22143 of 2024, wherein the official authorities themselves filed counter affidavits admitting that there is no water body, Shikam or Tank on the subject land. This Court in its order dated 28.05.2025, held that the subject land stands regularised under G.O. Ms. No. 469 and is not a water body, Shikam or Tank, and dismissed the writ petition with exemplary costs. Having admitted on oath that the subject land is not a water body, Shikam or Tank, the respondents /contemnors cannot now take a contrary stand to justify the demolition and dispossession complained of more so without following the principles of natural justice. This shift in their stand strengthens the *prima facie* case of the petitioner.

13. It is necessary to record that the conduct complained of is neither novel nor isolated, but is illustrative of a settled and RECURRING MODUS OPERANDI ON THE PART OF THE HYDRAA, NAMELY TO DEMOLISH FIRST, TO FENCE AND TO FIX BOARDS NEXT, AND TO SEEK JUSTIFICATION

THEREAFTER, TREATING THE ORDERS OF THIS COURT AS AN INCONVENIENCE TO BE CIRCUMVENTED RATHER THAN AS A COMMAND TO BE OBEYED. This Court records its strong disapproval of the brazenness that *prima facie* marks the conduct of the HYDRAA. An instrumentality of the State, which secured time from this Court on the strength of a solemn undertaking that it would act only by following the due process of law, is *prima facie* shown to have done contra, by descending upon the subject land with a large force and heavy machinery, by carrying out demolition through the night under cover of darkness even after copies of the subsisting orders of this Court were communicated to it, and by thereafter parading the demolition in the media as an accomplishment to be celebrated. Such conduct, if established, is not that of an authority acting within the purview of law, but that of an Authority that has consciously defied binding judicial orders, and to substitute its own whims and fancies for the considered Orders of a constitutional Court. Conduct of this nature strikes at the very root of the rule of law, lowers the authority and majesty of this Court, and cannot be countenanced. The high-handed manner in which the HYDRAA has *prima facie* treated the orders of this Court calls for the strongest disapprobation and renders the grant of interim restoration not merely justified but imperative, so that the contemnors are not permitted to enjoy the fruits of

their contumacious acts during the pendency of the contempt case.

14. This Court is vested with the power to grant interim relief in a contempt proceeding so as to preserve the subject matter, to undo the consequences of a prima facie breach, and to prevent the contemnors from perpetuating or aggravating the breach during the pendency of the case. A Division Bench of the erstwhile High Court of Andhra Pradesh at Hyderabad in ***Kanadena Veeraiah v. Narra Venkateswarlu***, (1985) 2 APLJ 193, following the principle laid down by the Hon'ble Supreme Court in ***Mohd. Idris v. Rustam Jehangir*** AIR 1984 SC 1826, held that where there is a clear breach of an undertaking given to the Court, the Court is justified in issuing appropriate directions to close the breach in addition to dealing with the contempt. The said principle squarely applies to the facts of the present case and clothes this Court with ample power to direct restoration as an interim measure.

15. In the result, and for the reasons recorded above, the respondents / contemnors, jointly and severally, are directed to forthwith restore the subject land, namely the open land admeasuring Acres. 13.17 Guntas in Sy. Nos. 1003 to 1006 situated at Kukatpally Village and Mandal (earlier Balanagar Mandal), Medchal-Malkajgiri District (earlier Ranga

Reddy District), to the state and condition in which it existed immediately prior to 25.05.2026, by undoing each and every act of demolition, dispossession, destruction and illegal occupation, including by reinstating the compound fencing along the entire perimeter, reconstructing the tin-sheet security rooms and the entry gate, restoring all electricity service lines, lighting infrastructure and allied electrical installations, removing all fencing and signage or boards erected by the respondents / contemnors or by the revenue authorities, withdrawing all personnel of the HYDRAA, revenue officials and all persons claiming through them from the subject land, ensuring the safety of all machinery, equipment and materials of the petitioner remaining thereon, and restoring to the petitioner peaceful possession and unhindered access to the subject land, forthwith and in any event not later than 24 (twenty four) hours from the receipt of a copy of this order. Upon failure of the respondents / contemnors to effect compliance within the stipulated period, the petitioner is granted liberty to undertake the said restoration works, and all costs, charges and expenses incurred therein shall be quantified and recovered from the respondents / contemnors from their personal funds. Further, the respondents / contemnors, their officers, servants, agents and all persons acting under their authority are restrained from causing interference with the petitioner's possession and

enjoyment of the subject land in any manner, pending disposal of these contempt cases.

16. The observations and findings recorded hereinabove are confined to the passing of the present interim order and shall not be construed as an expression of any final opinion on the merits of the contempt case.

17. Post all the contempt cases along with Writ Petition No.24204 of 2024 on 04.06.2026.

NAGESH BHEEMAPAKA, J

29th May 2026

Issue CC forthwith

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