

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
 MONDAY, THE SEVENTH DAY OF AUGUST
 TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR
WRIT PETITION NO: 21242 OF 2023

Between:

1. Dodla Vijaya Kumar, S/o. Polaiah, Aged about 42 years, Occ: Employee, Presently residing at USA represented by GPA Holder D.Polaiah, S/o. Narsaiah, aged about 67 years, Occ: Business, R/o.H.No.16-7-242, Dayannad Colony, Warangal.
2. Bathini Srinivasa Rao, S/o. China Venkataiah, Aged about 56 years, Occ: Business, R/o.H.No.3-10-199, Reddy Colony, Hanamkonda, Warangal.
3. Dhannala Bhagyalaxmi, W/o. Venkataiah, aged about 60 years, Occ: Housewife, R/o.H.No.16-3-921, Fort Road, Ramannapet, Warangal.
4. Dhannala Venugopal, S/o. Venkataiah, aged about 36 years, Occ: Employee, R/o.H.No.2-5-305/1, Nakkalagutta, Hanamkonda, Warangal.
5. Bathini Venu Gopal Rao, S/o. Chinna Venkataiah, aged about 51 years, Occ: Business, R/o.H.No.11-25-710/A, Kothawada, Warangal.
6. Bathini Sunitha, W/o. Venugopal Rao, aged about 45 years, Occ: Housewife, R/o.H.No.11-25-710/A, Kothwawada, Warangal.

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Endowments Department, Secretariat, Hyderabad.
2. The Commissioner, Endowments Department, Warangal.
3. The Assistant Commissioner, Endowments Department, Warangal.
4. Sri Govindaraja Swamy Temple, Rep by its Executive Officer, Station Road, Warangal.

Respondents

WHEREAS the Petitioner above named through their Advocate SRI KOTHAPALLI SAI SRI HARSHA 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 issue an order or orders or direction or writ more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents No. 3 and 4 treating the petitioners are encroachers into land bearing No.15/1 when the petitioners are in possession and enjoyment of their land in Sy.No.15/2 of Girmajipet, Warangal and demolishing the compound wall and sheds belonging to the petitioner on 05-08-2023 as illegal, arbitrary, malafide, intentional, opposed to principles of natural justice and contrary to the directions given in O.A.No.743/2010 passed by Endowment Tribunal and consequently direct the respondents to follow due process of law in the interests of justice;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri KOTHAPALLI SAI SRI HARSHA, Advocate for the Petitioners, GP FOR ENDOWMENT for the Respondent Nos.1 to 3, learned Standing Counsel for the Respondent No.4, directed issue of notice to the Respondent No.4, herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

The Executive Officer, Sri Govindaraja Swamy Temple, Station Road, Warangal.

are directed to show cause on or before 21.08.2023 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 2023

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 direct the respondents No.3 and 4 not to dispossess the petitioners from their land to make constructions in Sy.No.15/2 of Girmajipet, Warangal treating the petitioners as encroachers unilaterally, pending disposal of WP No.21242 of 2023, on the file of the High Court.

The Court made the following: ORDER

Registry is directed to issue notice to respondent No.4. Private notice is also permitted.

Learned standing counsel for respondent No.4 is directed to verify the records with respect to the boundaries of the properties of both the petitioner and respondent No.4 / temple by conducting a survey in the presence of petitioner within a period of one week and if the said construction of wall is made on the disputed site, respondents are directed to provide ingress and Egress to the petitioner into their property only for the purpose of parking, as an interim measure and the petitioner shall not claim any equities over the property till the counters are filed.

Post the matter on 21.08.2023.

Learned standing counsel for respondent No.4 is directed to file a report to the extent of land which is in their possession at Sy.Nos.15/1 and 15/2, Girmajipet, Warangal by the next date of hearing and a report be filed to that extent.

In view of the above, there shall be an order of status quo to be maintained by all the parties in all aspects.

It is made clear that respondents are directed not to make any further constructions except giving access for a limited period of two weeks.

Post the matter on 21.08.2023.

SD/- P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Endowments Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Endowments Department, Warangal.

3. The Assistant Commissioner, Endowments Deaprtment, Warangal.
(for addresses 1 to 3 by RPAD)
4. The Executive Officer, Sri Govindaraja Swamy Temple, Station Road, Warangal. (by
RPAD- along with a copy of petition and affidavit)
5. One CC to SRI. KOTHAPALLI SAI SRI HARSHA Advocate [OPUC]
6. Two CCs to GP FOR ENDOWMENTS, High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

NVSK,J

DATED:07/08/2023

Note: POST THE MATTER ON 21.08.2023

NOTICE BEFORE ADMISSION

WP.No.21242 of 2023

DIRECTION

