

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

**THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL

WRIT PETITION NO: 25750 OF 2025

Between:

1. Pusukuri Srinivasa Rao, S/o. Veera Rao, aged 53 years, Occ. Business, R/o. H. No. 10-120/3/D8, Palakurthy Village and Mandal, Jangoan District.
2. Pusukuri Sunitha, Wo. Srinivasa Rao, aged 50 years, Occ. House Hold, R/o. H. No. 10-120/3/D8, Palakurthy Village and Mandal, Jangoan District.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary (Revenue), Secretariat, Hyderabad.
2. The District Collector, Jangoan District, Jangoan.
3. The Tahsildar, Palakurthy Mandal, Jangoan District.
4. The Mandal Surveyor, O/o. The Tahsildar, Palakurthy Mandal, Jangoan District.
5. The District Survey Officer, Survey and Land Records, O/o. The District Collector, Jangoan District, Jangoan.
6. The Assistant Director of Survey and Land Records, Jangoan Jangoan District.
7. The Inspector of Survey, Ghanpur (Stn.), Ghanpur, Jangoan 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 issue a via, Order or Direction, more particularly one in the Nature of MANDAMUS or any other appropriate writ declaring the action of respondents, more particularly respondents No. 3, interfering with the peaceful possession and enjoyment of the house property bearing H.No. 120/3/D8, situated in Palakurthy

Village and Mandal, Jangoan District, owned and possessed by petitioner No. 2, under the pretext of orders passed U/s. 6 of The Land Encroachment Act, 1905 pending disposal of the appeal filed U/s. 10 of the The Land Encroachment Act, 1905 along with stay application as illegal, arbitrary, politically motivated, abuse of office, and violative of the principles of natural justice, fair play, and the fundamental rights guaranteed under Articles 14, 21, and 300-A of the Constitution of India and consequently quash the proceedings U/s. 6 of Telangana Land Encroachment Act, 1905 Procs. No. B/417/2005 dated. 05-06-2025 by making false claims of encroachment into the government lands in Sy. No. 566 of Palakurthy Village and Mandal, Jangoan District, based on concocted survey reports of the respondent No. 6 declaring it as illegal, arbitrary, and unconstitutional.

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 direct the respondents to desist from interference with the peaceful possession and enjoyment including demolition of the house property owned and possessed by petitioner No.2 bearing H.No. 10-120/3/D8, situated in Palakurthy Village and Mandal, Jangoan District, in any manner, pending disposal of the above writ petition.

Counsel for the Petitioner : SRI P RAMULU

Counsel for the Respondents: AGP FOR ASSIGNMENT

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.25750 of 2025

ORDER:

Aggrieved by the action of respondent No.3 in interfering with the peaceful possession and enjoyment of the house property bearing H.No.120/3/D8, situated in Palakurthy (V & M), Jangaon District, owner and possessed by petitioner No.2, under the pretext of orders passed under Section 6 of the Land Encroachment Act (for short "the Act"), 1905 pending disposal of the appeal filed under Section 10 of the Land Encroachment Act, 1905, the present writ petition is filed. A consequential prayer is sought to quash the proceedings issued under Section 6 of the Act, 2005 *vide* proceedings No.B/417/2005, dated 05.06.2025 by making false claims of encroachment into the Government Lands in Survey No.566 of Palakurthy (V & M), Jangaon District, based on concocted survey reports of respondent No.6 declaring it is illegal, arbitrary and unconstitutional.

2. Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for the respondents.

3. Learned counsel for the petitioner submitted that as against the order passed by the Tahsildar, Palakurthy Mandal, Jangaon District –

respondent No.3, *vide* proceedings No.B/417/2025, dated 05.06.2025, whereby the Mandal Girdawari, Palakurthy Mandal was authorized to carry out eviction and to take possession of the land and retain the same in proper custody, the petitioner preferred an appeal under Section 10 of the Telangana Land Encroachment Act, 1905 *vide* appeal No.E3/877/2025 before the District Collector, Jangaon - respondent No.2, and the said appeal is pending adjudication before the Appellate Authority.

4. It is further submitted that, while the said appeal is pending, the official respondents are attempting to dispossess the petitioner from the subject property, which was allotted to the petitioner and assigned H.No.10-120/3/D8 by the competent authority. Aggrieved thereby, the petitioner is constrained to file this writ petition seeking appropriate directions.

5. Learned Assistant Government Pleader for Revenue submitted that, admittedly, an appeal is pending before the Appellate Authority, and therefore, the contention of the petitioner that the respondents are attempting to evict him relying upon the order of the Tahsildar is misconceived. It is further submitted that, any action, if warranted, will be undertaken strictly in accordance with law, following due process. Accordingly, prays to dismiss the writ petition.

6. Having heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue, and in view of the fact that appeal filed under Section 10 of the Telangana Land Encroachment Act, 1905 *vide* appeal No.E3/877/2025 is pending adjudication before the District Collector, Jangaon (respondent No.2), the respondent No.3 – Tahsildar, Palakurthy Mandal is directed not to act upon the proceedings No.B/417/2025, dated 05.06.202, until the said appeal is decided by the Appellate Authority.

7. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any pending, in this petition, shall stand closed.

SD/-S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Revenue), Secretariat, The State of Telangana, Hyderabad.
2. The District Collector, Jangoan District, Jangoan.
3. The Tahsildar, Palakurthy Mandal, Jangoan District.
4. The Mandal Surveyor, O/o. The Tahsildar, Palakurthy Mandal, Jangoan District.
5. The District Survey Officer, Survey and Land Records, O/o. The District Collector, Jangoan District, Jangoan.
6. The Assistant Director of Survey and Land Records, Jangoan, Jangoan District.
7. The Inspector of Survey, Ghanpur (Stn.), Ghanpur, Jangoan District
8. One CC to SRI. P RAMULU Advocate [OPUC]

HIGH COURT

DATED:23/10/2025

ORDER

WP.No.25750 of 2025



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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01/11/25