

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

**FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 26557 OF 2025

Between:

Telangana State Tribal Employees Welfare Association, Represented by its
President L. Deshya Naik, S/o. Patchya, Aged about 62 years, R/o. Hill
Colony, Nagarjuna Sagar, Peddavoora Mandal, Nalgonda District.

.....PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Irrigation and CAD Department, Secretariat Building, Secretariat, Hyderabad.
2. The Chief Engineer, Irrigation and CAD Department, Telangana State, Hyderabad.
3. The Chief Engineer, Irrigation and CAD Department, Nagarjuna Sagar (NSP) Project, Peddavoora Mandal, Nalgonda District.
4. The Superintendent Engineer, Irrigation and CAD Department, Nagarjuna Sagar (NSP) Project, Peddavoora Mandal, Nalgonda District.
5. The Executive Engineer, Irrigation and CAD Department, Nagarjuna Sagar (NSP) Project, Peddavoora Mandal, Nalgonda District
6. Ramavath Munilal, S/o. Harya, Aged about 33 years, Occ ; Agriculture, R/o. Komatikunta Village, Peddavoora Mandal, Nalgonda 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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.3 to 5 in interfering into the peaceful possession of Quarter No.AE/105 and interfering into the Telangana State Tribal Welfare activities in Quarter No.AE/105, which is situated at Nagarjuna Sagar Dam, Hill Colony, Nagarjuna Sagar, Peddavoora

Mandal, Nalgonda District and trying to disposes the Petitioner from the Quarter No. AE/105 without issuing any notice and without following the due process of law by colluding with the Respondent No.6 and also trying to allot the Quarter of the Petitioner Organization on the name of Respondent No.6 is illegal and arbitrary and violative of Article 14, 15, 21 and 300-A of Constitution of India and also violative of principles of Natural Justice and consequently direct the Respondent Nos.3 to 5 not to interfere into the peaceful possession of the Quarter No. AE/105, which is situated at N.S.P. Dam, Nagarjuna Sagar, Peddavoora Mandal, Nalgonda District and not to disposes the State Tribal Welfare Association Office from the Quarter No.AE/105 and not to handover the Quarter No.AE/105 to the Respondent No.6.

I.A.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 Respondent Nos.3 to 5 not to interfere into the peaceful possession of the Quarter No. AE/105, which is situated at N.S.P. Dam, Nagarjuna Sagar, Peddavoora Mandal, Nalgonda District and not to disposes the State Tribal Welfare Association Office from the Quarter No.AE/105 and not to handover the Quarter No.AE/105 to the Respondent No.6 pending disposal of the writ petition.

Counsel for the Petitioner : SRI RAPOLU BHASKAR

Counsel for the Respondent Nos.1 to 5 : GP FOR IRRI AND COMM AREA DEVELOPMENT

Counsel for the Respondent No.6 : --

The Court made the following ORDER

THE HON'BLE SHRI JUSTICE JUKANTI ANIL KUMAR

WRIT PETITION No.26557 of 2025

ORDER:

This Writ Petition is filed seeking the following prayer:

“...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.3 to 5 in interfering into the peaceful possession of Quarter No.AE/105 and interfering into the Telangana State Tribal Welfare activities in Quarter No.AE/105, which is situated at Nagarjuna Sagar Dam, Hill Colony, Nagarjuna Sagar, Peddavoora Mandal, Nalgonda District and trying to disposes the petitioner from the Quarter No.AE/105 without issuing any notice and without following the due process of law by colluding with respondent No.6 and also trying to allot the Quarter of the petitioner Organization on the name of respondent No.6 is illegal and arbitrary and violative of Articles 14, 15, 21 and 300-A of Constitution of India and also violative of principles of Natural Justice and consequently direct the respondent Nos.3 to 5 not to interfere into the peaceful possession of the Quarter No.AE/105, which is situated at N.S.P Dam, Nagarjuna Sagar, Peddavoora Mandal, Nalgonda District and not to disposes the State Tribal Welfare Association Office from the Quarter No.AE/105 and not to be handover the Quarter No.AE/105 to respondent No.6 and pass such other order or orders...”

2. It is the case of petitioner that an organization has been formed in the name and style of Telangana State Tribal Employees Welfare Association, registered vide No.1139 of 1990 under the provisions of the Cooperative Societies Act, 1964, that they approached the then Irrigation Authorities and made a representation for 'allotment of a quarter.

Accordingly, the then Irrigation Authorities allotted Quarter No.AE/105, situated at Nagarjuna Sagar Project Dam, Hill Colony, Nagarjuna Sagar, Peddavoora Mandal, Nalgonda District, vide Proceedings No.R1/NSD/97-98-1255 M, dated 30.12.1997.

3. It is also the case of petitioner that they paid an amount of Rs.9,076/- to the then Executive Engineer on 23.12.1997, vide D.D.No.698038, towards allotment of quarter(s) and they carried out modifications to the said quarter(s) incurring considerable expenditure.

4. It is pointed out that the Tribal Employees Welfare Association activities throughout the State of Telangana are being carried out by petitioner, it is specifically pleaded in paragraph No.6 of the writ affidavit that petitioner is paying electricity charges and rent to Irrigation Department.

5. It is further the case of petitioner that they spent Rs. 15.00 lakhs towards renovation of Government Quarter No.AE/105 and are carrying on their activities peacefully. It is alleged that Respondent No.6, without following due process of law, without issuing notice, is interfering with their

peaceful possession, trying to dispossess the office of the Tribal Employees Welfare Association and to allot the said quarters to some others.

6. It is alleged that Respondent Nos.3 to 5 visited the quarter(s) on the 1st, 7th, 14th, and 18th of August 2025 and called petitioner and the office bearers and tried to dispossess them, despite their request not to interfere with their peaceful possession. It is submitted that petitioner approached the Court of the Junior Civil Judge at Nidamanoor and filed a suit for injunction vide O.S.No.97 of 2025, wherein ad-interim injunction orders were granted in I.A.No.202 of 2025 and the said injunction is still continuing as on date. Attention is invited to page No.25 of the documents.

7. Learned counsel for respondents placed on record a copy of documents received from the office of Irrigation Department, i.e., the Executive Engineer, Irrigation Division. Based on the said documents, it is submitted that, as per the contents at page No.3, quarter(s) was vacated on 21.12.2004, and that, presently the quarters are under the custody of the District Collector.

8. It is further submitted that members of Petitioner Association are creating public nuisance and disturbing the peace and tranquility of the nearby residents. It is also submitted that members of Petitioner Association have not vacated the quarters since 2004 and have been insisting that quarters be given to Association for continuation.
9. Heard learned counsel for petitioner. Perused the record and considered the submissions.
10. From the contents of Office Order No. R1/NSD/97-98-1255 M, dated 30.12.1997, it is observed that Quarter No.AE/105 was allotted to Andhra Pradesh State Tribal Welfare Association on payment of rent at Rs.619/-, per month including water charges at Rs.60/-. That lease agreement was valid up to 31.12.1998, a letter, dated 23.12.1997 was addressed by President of petitioner Association to the Executive Engineer, enclosing D.D.No.698038, towards deposit of Rs. 9,176/- for four (4) months' rent, as per Clause 6 of Office Order dated 30.12.1997.
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11. On a perusal of Clause 5 of the said document, it is seen that the agreement period was to conclude on 31.12.1998. No material is placed on record to show that the said agreement was extended for any further period. In the absence of such an extension, the continued occupation of the quarters by petitioner, i.e., Quarter No.AE/105, cannot be treated as legal, it is not in accordance with law.

12. Attention of this Court is invited to an injunction order, dated 07.05.2025 said to have been granted in favour of plaintiff (petitioner herein) in I.A.No.202 of 2025 in O.S.No.97 of 2025 by Court of Junior Civil Judge-cum-Judicial Magistrate, Nidamanoor. In the suit, one Mr. Ramavath Munilal is arrayed as respondent against whom the petitioner herein has filed the suit. The ad-interim injunction order restrains the respondent in suit and his henchmen from interfering with the petitioner's peaceful possession. This does not in any way come to the rescue of petitioner to canvass that an injunction has been granted against the official respondents herein.

13. This Court is not inclined to delve into that aspect as the respondent authorities are not parties to suit. This Court

quarried learned counsel for petitioner as to why nothing is placed on record to substantiate the claim that the petitioner continues to reside in Quarter No.AE/105 as on date, such as receipts of rent, extension of the lease agreement or any other document which aids the petitioner to substantiate his claim that he is continuing in the said quarters.

14. On the other hand, it is observed from the photo copy of the Register placed on record, duly attested by Deputy Executive Engineer, Irrigation Department, Sub-Division-3, it is reflected that quarter has been vacated on 21.12.2004, the signature of the President of the petitioner Association, Mr. L.Deshya Naik, the office-bearer and President has affixed his signature on the Register copy (Mr.L.Deshya Naik is the petitioner herein).

15. A writ petition was filed earlier, bearing W.P. No.30530 of 2024, by one Mr.Ramavath Munilal against the official respondents. The learned Single Judge, relying upon the judgment of the Apex Court, held that, in respect of the same quarters, the petitioner therein had not made out any case warranting interference. The prayer in W.P.No.30530 of 2024 is as follows:

“to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to dispossess/evict the petitioner from his residential quarter No.AE/105 without following the due process of law as being illegal arbitrary discriminatory and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents not to dispossess the petitioner from his quarter No.AE/105 Vijayapuri North Hill Colony Nagarjunasagar, Peddavoora Mandal, Nalgonda District T G and pass.”

16. Surprisingly, the prayer in the said writ petition was for a declaration that the respondents i.e., the official respondents were trying to dispossess petitioner in Writ Petition No.30530 of 2024 from quarter bearing No.AE/105. Learned Single Judge dismissed the said Writ Petition on the ground that petitioner has not made out a case warranting interference. This Court cannot ignore the said order of learned Single Judge, it is evident that as on the date of filing of Writ Petition No.30530 of 2024, the said quarter was claimed to be under the possession of Mr.Ramavath Munilal. In O.S.No.97 of 2025, the petitioner herein is the plaintiff and respondent No.6 is defendant and respondent No.6 is the petitioner in W.P.No.30530 of 2024. The relevant portion of the order of the learned Single Judge in W.P.No.30530 of 2024 is extracted herein:

“5. It is settled principles of law that the government quarters allotted to the employees or any persons are not entitled for regularization. There are cases where the occupants are so affluent that they are willing to pay the penal/market rent and are seeking to regularize the quarters allotted and continue to occupy the Government Quarters. In the case of **S.D.Bandi vs. Divisional Traffic Officer, KSRTC and others**¹ occupation of Government accommodation by the members of three branches of the State i.e., Legislature, executive and the judiciary beyond the period for which the same was allotted came up for consideration before the Hon'ble Apex Court. In Para 33, it was observed as follows:

“Suggestions

33. The following suggestions would precisely address the grievances of the Central and the State Governments in regard to the unauthorised occupants:

33.1. As a precautionary measure, a notice should be sent to the allottee/officer/employee concerned under Section 4 of the PP Act three months prior to the date of his/her retirement giving advance intimation to vacate the premises.

33.2. The Department concerned from where the government servant is going to retire must be made liable for fulfilling the abovementioned formalities as well as follow-up actions so that rest of the provisions of the Act can be effectively utilised.

33.3. The principles of natural justice have to be followed while serving the notice.

¹ AIR 2073 Supreme Court 2507

33.4. After following the procedure as mentioned in SR 317-B-11(2) and 317-B-22 provisos 1 and 2, within 7 working days, send a show-cause notice to the person concerned in view of the advance intimation sent three months before the retirement.

33.5. Date of appearance before the Estate Officer or for personal hearing as mentioned in the Act after show-cause notice should not be more than 7 working days.

33.6. Order of eviction should be passed as expeditiously as possible preferably within a period of 15 days.

33.7. If, as per the Estate Officer, the occupant's case is genuine in terms of Section 5 of the Act then, in the first instance, an extension of not more than 30 days should be granted.

33.8. The responsibility for issuance of the genuineness certificate should be on the Department concerned from where the government servant has retired for the occupation of the premises for next 15 days and further. Giving additional responsibility to the Department concerned will help in speedy vacation of such premises. Baseless or frivolous applications for extensions have to be rejected within seven days.

33.9. If as per the Estate Officer the occupant's case is not genuine, not more than 15 days' time should be granted and thereafter, reasonable force as per Section 5(2) of the Act may be used.

33.10. There must be a time-frame within how much time the Estate Officer has to decide about the quantum of rent to be paid.

33.11. The same procedure must be followed for damages.

33.12. The arrears/damages should be collected as arrears of land revenue as mentioned in Section 14 of the Act.

- 33.13. There must be a provision for compound interest, instead of simple interest as per Section 7.
- 33.14. To make it more stringent, there must be some provision for stoppage or reduction in the monthly pension till the date of vacation of the premises.
- 33.15. Under Section 9(2), an appeal shall lie from an order of eviction and of rent/damages within 12 days from the day of publication or on which the order is communicated respectively.
- 33.16. Under Section 9(4), disposal of the appeals must be preferably within a period of 30 days in order to eliminate unnecessary delay in disposal of such cases.
- 33.17. The liberty of the appellate officer to condone the delay in filing the appeal under Section 9 of the Act should be exercised very reluctantly and it should be an exceptional practice and not a general rule.
- 33.18. Since allotment of the government accommodation is a privilege given to the Ministers and Members of Parliament, the matter of unauthorised retention should be intimated to the Speaker/Chairman of the House and action should be initiated by the House Committee for the breach of the privileges which a Member/Minister enjoys and the appropriate Committee should recommend to the Speaker/Chairman for taking appropriate action/eviction within a time-bound period.
- 33.19. The Judges of any forum shall vacate the official residence within a period of one month from the date of superannuation/retirement. However, after recording sufficient reason(s), the time may be extended by another one month.
- 33.20. Henceforth, no memorials should be allowed in future in any government houses earmarked for residential accommodation

6. The principles laid down in the aforesaid decision were reaffirmed by the Hon'ble Supreme Court in **Union of India and others vs. Onkar Nath Dhar**² wherein it was observed as follows:

"Para 13: In view of the judgments referred above, the Government accommodation could not have been allotted to a person who had demitted office. No exception was carved out even in respect of the persons who held Constitutional posts at one point of time. It was held that the Government accommodation is only meant for in-service officers and not for the retirees or those who have demitted office. Therefore, the view of the learned Delhi High Court and that of the Punjab & Haryana High Court is erroneous on the basis of compassion showed to displaced persons on account of terrorist activities in the State. The compassion could be shown for accommodating the displaced persons for one or two months but to allow them to retain the Government accommodation already allotted or to allot an alternative accommodation that too with a nominal licence fee defeats the very purpose of the Government accommodation which is meant for serving officers. The compassion howsoever genuine does not give a right to a retired person from continuing to occupy a government accommodation."

7. For the aforesaid reasons, the petitioner has not made out any case warranting interference of this Court and this Writ Petition is dismissed, accordingly. No costs."

17. Petitioner has not substantiated his claim except by averments, which are self-serving in nature. No receipts for rent payment as averred in paragraph No.6 are placed on

² MANU/SC/0524/2021

record. In fact, the Register of the Executive Engineer speaks contrary to what has been stated that quarter is vacated way back on 21.12.2004. Petitioner herein has affixed his Signature on the register. This Court is of the opinion that petitioner is pursuing a vexatious litigation. This Court was inclined to levy costs but on a fervent request the same is dropped.

18. Learned counsel placed reliance on photographs in support of the claim and on typed electricity bills. In the absence of official documents (i.e., bills given by electricity department, at least photo copies) or materials, this Court is not inclined to consider the submissions canvassed across the bar as they are devoid of merits.

19. Writ Petition is liable to be dismissed, accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any are pending, shall stand dismissed.

//TRUE COPY//

Sd/-K.BHAVANI SWAMY
ASSISTANT REGISTRAR

SECTION OFFICER

To

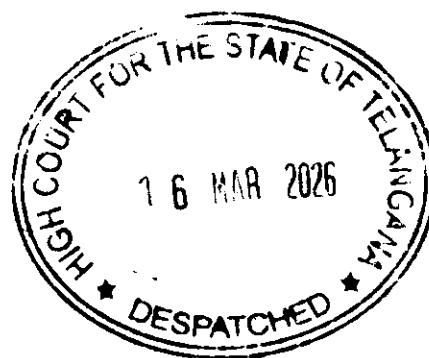
1. Two CCs to GP FOR IRRI AND COMM AREA DEVELOPMENT, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
3. Two CD Copies

SA

PMK

HIGH COURT

DATED:24/10/2025



ORDER

WP.No.26557 of 2025

**DISMISSING THE W.P
WITHOUT COSTS.**

GNT
23/2/26