



2024:TSHC:50900

[3296]

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

FRIDAY, THE NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

Review I.A.No. 3 of 2025 in W.P.No. 27634 OF 2024

AND

Recall I.A.No.2 of 2025 in W.P.No. 381 of 2025

Review I.A.No. 3 of 2025 in W.P.No. 27634 OF 2024

Between:

Gayatri Educational and Cultural Trust, Rep. by its Secretary-cum-Correspondent Smt. Neelima Suryadevara, H.No. 8-2-293/82/NG/32, Nandagiri Hils, Lane-3, Near Jubili Hils Check Post, Jubilee Hils, Hyderabad.

....Review Petitioner/Respondent No. 5

AND

1. D. Rajesh, S/o Sathi Reddy, Aged about 46 years, Oc. Business, R/ o. 7-71/3, Habsiguda, Hyderabad.
2. Kallem Prudhvinath Reddy, S/o. Prabhaker Reddy, aged 29 years, Occ. Business, R/o. 16-2-751/A/31/D/60, Road No.3, Tirumala Hills, Asmangadh, Malakpet, Hyderabad.

...Respondent Nos. 1&2/Writ Petitioner

3. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
4. The District Collector, Medchal-Malkajgiri District.
5. Hyderabad Metropolitan Development Authority, Rep by its commissioner Swarnajayanthi Commercial Complex, 4th floor, Ameerpet, Hyderabad.
6. The Tahsildar, Ghatkesar Mandal, Medchal-Malkajgiri District.

...RESPONDENT Nos. 3to6/Respondent Nos. 1to4



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Petition under Section 114 Read with Order XLVII of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to review order dated 09-12-2024 passed in Writ Petition No. 27634 of 2024 and consequently dismiss the W.P No. 27634 of 2024

**Counsel for the Review Petitioner: SRI A. VENKATESH SENIOR COUNSEL
APPEARING FOR SRI PAMULA VAMSHI KRISHNA ,ADVOCATE**

**Counsel for the Respondent Nos. 1&2: SRI VEDULA SRINIVAS,
SENIOR COUNSEL REP SRI S. VIPLAV SIMHA REDDY**

Counsel for the Respondent Nos. 3,4&6: GP FOR REVENUE

Counsel for the Respondent No.5: SRI V. NARASIMHA GOUD, SC FOR HMDA

Recall I.A.No.2 of 2025 in W.P.No. 381 of 2025

Between:

Gayatri Educational and Cultural Trust, Rep. by its Secretary-cum-Correspondent Smt. Neelima Suryadevara, H.No. 8-2-293/82/NG/32, Nandagiri Hills, Lane-3, Near Jubili Hills Check Post, Jubilee Hills, Hyderabad.

.....PETITIONER RESPONDENT No.4

AND

1. B. Shiva Kumar Reddy, S/o. B. Narsimha Reddy, Aged about 49 years, Occ. Business, R/o. H.No. 12-13-253, Flat No. 103, Sri Mahalakshmi House, Street No 3, Tarnaka, Secunderabad-500047.

...RESPONDENT No. 1/WRIT PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
3. The District Collector, Medchal- Malkajgiri District.
4. The Tahsildar, Ghatkesar Mandal, Medchal- Malkajgiri District.

...RESPONDENT Nos. 2to4/Respondent Nos. 1to3

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



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recall the order dated 07/01/2025 in W.P No. 381 of 2025 and consequently
dismiss the W.P No. 381 of 2025

**Counsel for the Petitioner: SRI. A. VENKATESH SENIORCOUNSEL REP
SRI PAMULA VAMSHI KRISHNA**

**Counsel for the Respondent No.1: SRI VEDULA SRINIVAS
SENIOR COUNSEL REP
SRI DURGA PRASAD KOTAMRAJU ADVOCATE**

Counsel for the Respondent Nos. 2to4: GP FOR REVENUE

The Court made the following COMMING: ORDER



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**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

Review I.A.No.3 of 2025 in W.P.No.27634 of 2024
and
Recall I.A.No.2 of 2025 in W.P.No.381 of 2025

DATE: 09.01.2026

Review I.A.No.3 of 2025 in W.P.No.27634 of 2024:

Between:

Gayatri Educational and Cultural Trust
Rep. by its Secretary cum Correspondent
Smt. Neelima Suryadevara

.....Review Petitioner

AND

D. Rajesh and five others.

....Respondents

Recall I.A.No.2 of 2025 in W.P.No.381 of 2025:

Between:

Gayatri Educational and Cultural Trust
Rep. by its Secretary cum Correspondent
Smt. Neelima Suryadevara

.....Petitioner

AND

B. Shiva Kumar Reddy and three others.

....Respondents

COMMON ORDER:

This Court, vide common order dated 09.12.2024, disposed
of Writ Petition Nos.24255 of 2023 and 27634 of 2024, directing

the respondents therein to fix the boundaries for the land to an extent of Ac.1.00 gts., in Sy.No.796, situated at Venkatapuram, Hamlet of Korremula Village, Ghatkesar Mandal, Medchal-Malkajgiri District, in terms of the survey report dated 28.08.2024. Thereafter, when W.P.No.381 of 2025 came to be filed by Sri B. Shiva Kumar Reddy/respondent No.1 in Recall I.A.No.2 of 2025 seeking to declare the action of respondents therein in giving markings on his land admeasuring Ac.1.00 gts., in very same survey number i.e, 796 and to direct the respondents not to lay any road in his land, this Court by following the common order dated 09.12.2024 passed in W.P.Nos.24255 of 2023 and 27634 of 2024, disposed of the W.P.No.381 of 2025 by directing the respondent authorities to conduct survey of the land in Sy.No.796 of Venkatapuram H/o. Korremula Village and fix boundaries.

2. Seeking to review the order dated 09.12.2024 passed by this Court in W.P.No.27634 of 2024, the Review I.A.No.3 of 2025 is filed by the review petitioner/respondent No.5 in Writ Petition. Seeking to recall the order dated 07.01.2025 passed by this Court in W.P.No.381 of 2025, Recall I.A.No.2 of 2025 is filed by the petitioner/respondent No.4 in the Writ Petition.



3. It is the case of the review petitioner in Review I.A.No.3 of 2025 that it is the absolute owner and possessor of land admeasuring Ac.7-20 gts in Sy.No.796, Ac.1-00 gts in Sy.No.797, Ac.8-37 gts and 506 sq.yds in Sy.No.813, total land admeasuring Ac.17-17 Gts and 506 Sq. yards, situated at Korremula Village, Ghatkesar Mandal, having acquired the same through various registered sale deeds and subsequent mutation proceedings. It is further case of the review petitioner that it has established an educational complex including a medical college and hospital under the name "Neelima Institute of Medical Sciences" and that the subject land is an integral part of the campus. It is further case of the review petitioner that the writ petitioners in W.P.No.27634 of 2024 obtained the common order dated 09.12.2024 by playing fraud and suppressing vital information, specifically the fact that multiple civil suits (O.S.No.1484/2021, O.S.No.1519/2022, and O.S.No.572/2022) involving the subject property are pending. It is also case of the petitioner that since the Trust was not served with notice and the matter was disposed of at the admission stage, it resulted in gross violation of the principles of natural justice, as the direction to implement a survey report directly threatens their possession and the infrastructure of the educational institution.



4. It is the case of the petitioner in Recall I.A.No.2 of 2025 that the respondent No.1/writ petitioner (B. Shiva Kumar Reddy) willfully mislead this Court by claiming ownership of land admeasuring Ac.1-00 Gts in Sy.No.796 while concealing that the Trust (recall petitioner) is the actual entity in possession. It is further case of the petitioner that the writ petitioner's claim is factually unsustainable because the revenue records on the Dharani Portal indicate that his vendor, B. Hanumanth Reddy, possessed only Ac.0-20 Gts in the said survey number, thereby making the claim for Ac.1-00 Gts legally impossible. It is also case of the petitioner that order dated 07.01.2025 was passed without issuing notice to it, which was arrayed as Respondent No.4 in the writ petition and as such, the order dated 07.01.2025 in W.P.No.381 of 2025 is liable to be recalled to prevent the unofficial parties from using the machinery of the State to forcibly interfere with their possession under the pretext of a court-directed survey.

5. On 17.02.2025, when these applications were taken up for hearing, this Court granted interim stay of all further proceedings in File No.B/65/2025, dated 07.02.2025 for conducting of the survey of the land in Sy.No.796, situated at Korremula Village, Ghatkesar Mandal, until further orders.



6. The respondent Nos.1 and 2 in Review I.A.No 3 of 2025 (Writ Petitioners) have filed a counter affidavit contending that they are the lawful owners of land admeasuring Ac.1.00 gts and Ac.1.20 gts in Sy.No.796 by virtue of registered sale deeds of the year 2015 and subsequent mutation proceedings dated 23.01.2017. It is contended that the review petition is an attempt to re-litigate settled issues and that the Trust's possession is illegal. It is asserted that the official respondents had already conducted a survey on 18.04.2024 in the presence of neighboring owners, which identified the Trust's encroachments into their property. The respondents maintain that a mere direction for survey and demarcation does not decide title and therefore causes no legal prejudice to the Trust.

7. Review I.A.No.3 of 2025 in W.P.No.27634 of 2024: Heard the submissions of Sri A. Venkatesh, learned Senior Counsel appearing on behalf of Sri Pamula Vamshi Krishna, learned counsel for the review petitioner; Sri Vedula Srinivas, learned Senior Counsel appearing on behalf of Sri S. Vipin Simha Reddy, learned counsel for the respondent Nos.1 and 2/writ petitioners; learned Government Pleader for Revenue appearing for the respondent Nos.3, 4 and 6; and Sri V. Narasimha Goud, learned Standing Counsel for HMDA appearing for the respondent No.5.



8. **Recall I.A.No.2 of 2025 in W.P.No.381 of 2025**: Heard the submissions of Sri A.Venkatesh, learned Senior Counsel appearing on behalf of Sri Pamula Vamshi Krishna, learned counsel for the petitioner; Sri Vedula Srinivas, learned Senior Counsel appearing on behalf of Sri Durga Prasad Kotamraju, learned counsel for the respondent No.1/writ petitioner; and learned Government Pleader for Revenue appearing for the respondent Nos.2 to 4.
9. Mr. A. Venkatesh, learned Senior Counsel appearing for the review/recall petitioner, has vehemently contended that the petitioner-Trust is the absolute owner and possessor of the subject property having purchased the same under registered sale deeds; in order to grab the said land, the writ petitioners in W.P.Nos.24255 of 2023 and 27634 of 2024 submitted F-line applications seeking to conduct survey and demarcate the said land; based on the said application when notice has been issued to the petitioner herein, objections were submitted stating that there are pending civil disputes between the writ petitioners and other parties. However, suppressing the said facts, the petitioners in W.P.Nos.24255 of 2023 and 27634 of 2024 obtained orders by misleading and playing fraud upon this Court to implement the survey report dated 28.08.2024. In fact, no notice has been issued to the petitioner herein in the writ petitions and no such survey



was conducted; without filing copy of the said survey report, the writ petitioners sought implementation of the said report; now under the guise of the orders passed by this Court in the writ petitions, the Mandal Surveyor, Ghatkesar Mandal, issued notice to the petitioner herein in File No.B/65/2025, dated 07.02.2025 for conducting survey of the land in Sy.No.796, situated at Korremula Village, Ghatkesar Mandal; and under the said survey, the writ petitioners are trying to interfere with the possession and enjoyment of the petitioner herein over the subject property. It is further argued that the existence of multiple civil suits, including O.S.Nos.1484/2021, 2519/2022, and 572/2022, clearly establishes a cloud over the title which cannot be resolved through a summary administrative survey. In support of his submissions, learned Senior Counsel relied upon the decision in **Asit Kumar Kar v. State of West Bengal and others**¹.

10. On the other hand, Sri Vedula Srinivas, learned Senior Counsel representing the respondents/writ petitioners, vehemently opposed the review and recall petitions. He argued that the power of review is extremely circumscribed and can only be exercised when there is an "error apparent on the face of the record". Relying on the judgment of the Hon'ble Supreme Court in **Sanjay Kumar**

¹ (2009) 2 SCC 703



Agarwal vs. State Tax Officer and another*, he submitted that review is not an appeal in disguise and cannot be used to re-hear arguments on merits. Even if a different view is possible on the same facts, it does not constitute a ground for review. It is contended that the original orders merely directed a survey and boundary fixation and the same does not amount to deciding the title of the parties; hence, no prejudice caused to the Trust. He further argued that the claims made by the Trust are based on disputed questions of fact which cannot be adjudicated in a review petition, and that the writ petitioners hold valid title documents and pattadar passbooks that entitle them to seek demarcation of their land as per the statutory provisions of the ROR Act.

11. Upon careful consideration of the submissions and the material on record, this Court finds that the primary grievance of the Review/Recall Petitioner is the violation of the principles of natural justice. The record reveals that while the Review/Recall Petitioner was arrayed as a respondent in writ petitions, notice was not served or dispensed with at the admission stage, depriving it an opportunity to present the true status of the land and the existence of pending civil litigations.



12. In **Asit Kumar Kar's** case (supra), the Hon'ble Supreme Court observed as follows:

"4. It is a basic principle of justice that no adverse orders should be passed against a party without hearing him. This is the fundamental principle of natural justice and it is a basic canon of jurisprudence. In the seven-Judge Constitution Bench of this Court in A.R. Antulay v. R.S. Nayak [(1988) 2 SCC 602 : 1988 SCC (Cri) 372] it has been observed in para 55 thereof: (SCC p. 600)

"55. ... So also the violation of the principles of natural justice renders the act a nullity."

5. One of the counsel relied upon another five-Judge Constitution Bench decision in Rupa Ashok Hurra v. Ashok Hurra [(2002) 4 SCC 388]. It is true that in para 9 of the judgment it has been observed that this Court under Article 32 of the Constitution cannot hold as invalid a judgment of this Court by treating it as a nullity. However, the aforesaid judgment does not say that we cannot pass a recall order when that order has been passed without hearing a party.

6. There is a distinction between a petition under Article 32, a review petition and a recall petition. While in a review petition the Court considers on merits where there is an error apparent on the face of the record, in a recall petition the Court does not go into the merits but simply recalls an order which was passed without giving an opportunity of hearing to an affected party."

In the aforesaid decision, the Hon'ble Supreme Court has clearly distinguished between a 'Review' and a 'Recall.' While a review deals with errors on the record, a Recall is necessitated when a party who is directly affected by an order was not given an opportunity to be heard. In the present case, a direction to fix boundaries based on a specific survey report dated 28.08.2024 (the very existence and validity of which is contested) directly impacts the party in possession. The non-disclosure of pending civil litigations regarding the subject property is a material suppression



that misled the Court into passing the earlier orders. If there is a cloud over the title or a dispute regarding possession, a summary direction for survey and demarcation cannot be issued without hearing all stakeholders.

13. The Hon'ble Supreme Court in ***K.Jayaram and others vs. Bangalore Development Authority and others***², held that it is imperative that party approaching the writ court must come with clean hands and put forward all facts before the Court without concealing or suppressing anything. It was further observed that a litigant is bound to state all facts which are relevant to litigation and if he withholds some vital or relevant material in order to gain advantage over other side then he would be guilty of playing fraud with Court as well as with opposite parties which cannot be countenanced. In the instant case, the failure to mention that the subject land was involved in several civil disputes and that the Review/Recall Petitioner had already filed objections before the Tahsildar constitutes such suppression.

14. In view of the above findings, the Review I.A.No.3 of 2025 and Recall I.A.No.2 of 2025 are disposed of and the orders dated 09.12.2024 passed by this Court in W.P.No.27634 of 2024 and

² (2022) 12 SCC 815



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07.01.2025 passed by this Court in W.P.No.381 of 2025 are hereby recalled. The said Writ Petitions are restored to their original files. The interim stay granted by this Court on 17.02.2025, staying all further proceedings in File No.B/65/2025 for the conduct of the survey, is made absolute pending final disposal of the said Writ Petitions. The Writ Petitions shall be posted for hearing before the appropriate Bench as per Roster.

SD/- S. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, T.S., Hyderabad.
2. The District Collector, Medchal-Malkajgiri District.
3. The Commissioner, Hyderabad Metropolitan Development Authority Swarnajayanthi Commercial Complex, 4th floor, Ameerpet, Hyderabad.
4. The Tahsildar, Ghatkesar Mandal, Medchal-Malkajgiri District.
5. One CC to SRI. S. VIPLAV SIMHA REDDY, Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
7. The Section Officer Writ Non Service Section High Court for the State of Telangana at Hyderabad.
8. One CC to SRI. V. NARASIMHA GOUD, SC FOR HMIA [OPUC]
9. One CC to SRI. PAMULA VAMSHI KRISHNA, Advocate [OPUC]
10. One CC to SRI. DURGA PRASAD KOTAMRAJU, Advocate [OPUC]
11. Two CD Copies
12. The Section Officer, writ non-service section, High court for the state of Telangana.

BM

BS

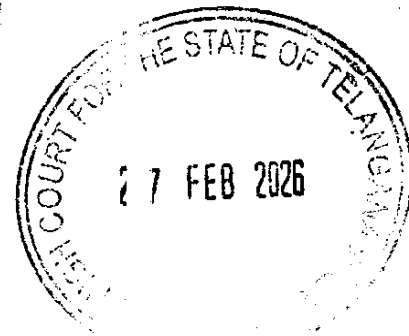
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HIGH COURT

DATED:09/01/2026



COMMON ORDER

Review I.A.No. 3 of 2025 in WP.No.27634 of 2024

And

Recall I.A.No.2 in W.P. No. 381 of 2025

REVIEW I.A.NO. 3 OF 2025 IN WP.NO. 27634 OF 2024

AND

RECALL I.A.NO. 2 OF 2025 IN W.P.NO. 381 OF 2025

**DISPOSING OF BOTH THE WRIT PETITIONS
WITHOUT COSTS**

15 copies
12
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