

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

**THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE JUSTICE GADI PRAVEEN KUMAR**

WRIT APPEAL NOs: 1111 and 1112 of 2025

WRIT APPEAL NO: 1111 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 28/07/2025 in W.P.No. 36349 of 2024 on the file of the High Court.

Between:

J.P. Hospitals, A registered partnership firm H.No. 8-50 and 851, Sai Nagar Colony, Peerzadiguda Municipal Corporation, MedipallyMandal, Medchal District, Rep by its Managing Partner Chintala Jaipal Reddy.

...APPELLANT

AND

1. The State of Telangana, Represented by its Principal Secretary Health, Medical and Family Welfare Department, Telangana State Secretariat, Hyderabad.
2. The District Registration Authority, The District Medical and Health Officer, Medchal- Malkajgiri District.
3. The Station House Officer, Medipally Police Station, Medchal- Malkajgiri District.
4. Arumulla Madhusudhan Reddy, S/o Narasa Reddy, Aged- 50 years, Occ-Business, R/o Villa No.12, SLN Lumbini Springs, Adjacent to Botanical Gardens, Gachibowli, Hyderabad- 500032, Telangana.

...RESPONDENTS

IA NO: 2 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 no.3 to register and investigate into the complaint of the appellant dated 25/08/2025 pending disposal of the writ appeal.

Counsel for the Appellant: SRI R.SUSHANTH REDDY

**Counsel for the Respondent No.1 & 2: SRI R.NAGARJUNA REDDY,
AGP FOR MEDICAL HEALTH FW**

Counsel for the Respondent No.3: SRI MAHESH RAJE, GP FOR HOME

**Counsel for the Respondent No.4: SRI AVINASH DESAI, S: COUNSEL, REP.
FOR SRI KATIKA RAVINDER REDDY**

WRIT APPEAL NO: 1112 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order
Dated 28/07/2025 in WP No.2337 of 2025 on the file of the High Court.

Between:

J.P. Hospitals, A registered partnership firm H.No. 8-50 and 851, Sai Nagar Colony, Peerzadiguda Municipal Corporation, Medipally Mandal, Medchal District, Rep by its Managing Partner Chinthala Jaipal Reddy

...APPELLANT

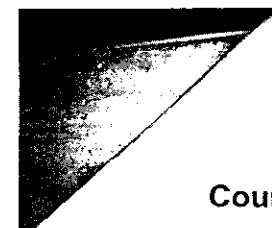
AND

1. The State of Telangana, Represented by its Principal Secretary, Home Department, Secretariat Building, Hyderabad.
2. The Assistant Commissioner of Police, Malkajgiri Division, Medchal-Malkajgiri District.
3. The Station House Officer, Medipally Police Station Medchal-Malkajgiri District.
4. Arumulla Madhusudhan Reddy, S/o Narasa Reddy, Aged. 50 years, Occ. Business, R/o Villa No.12, SLN Lumbini Springs, Adjacent to Botanical Gardens, Gachibowli, Hyderabad- 500032, Telangana.

...RESPONDENTS

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 restore Appellant's possession over property admeasuring 400 sq yards bearing H. No. 8-50 and 8-51, Plot No. 37 and 50 in Sy. No. 51, 51/e, Sai Nagar colony, Peerzadiguda Municipal Corporation, Medipally Mandal, Medchal District pending disposal of the writ appeal.



Counsel for the Appellant: SRI R.SUSHANTH REDDY

Counsel for the Respondent No.1 to 3: SRI MAHESH RAJE, GP FOR HOME

**Counsel for the Respondent No.4: SRI AVINASH DESAI, Sr. COUNSEL, REP.
FOR SRI KATIKA RAVINDER REDDY**

The Court delivered the following: COMMON JUDGMENT

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

WRIT APPEAL Nos.1111 and 1112 of 2025

Mr.R.Sushanth Reddy, learned counsel appearing for the appellant.

Mr.R.Nagarjuna Reddy, the learned Assistant Government Pleader for Medical and Health Department for the respondent Nos.1 and 2 in W.A.No.1111 of 2025 and the respondent No.1 in W.A.No.1112 of 2025.

Mr.Mahesh Raje, the learned Government Pleader for Home for the respondent No.3 in W.A.No.1111 of 2025 and the respondent Nos.2 and 3 in W.A.No.1112 of 2025.

Mr.Avinash Desai, learned Senior Counsel representing Mr.Katika Ravinder Reddy, learned counsel for the respondent No.4 in W.A.No.1111 of 2025.

COMMON JUDGMENT *(per Hon'ble Justice Moushumi Bhattacharya)*

1. The present Writ Appeals arise from a common order dated 28.07.2025 passed by the learned Single Judge in W.P.Nos.36349 of 2024 and 2337 of 2025 filed by the appellant.

2. W.P.No.36349 of 2024 was filed by the appellant writ petitioner to declare the action of the respondent Nos.2 and 3 in the Writ Petition (the District Medical and Health Officer and the Station House Officer, Medipally Police Station) in locking the premises at Peerzadiguda, Medipally by allegedly taking advantage of the Cancellation Order dated 05.11.2024. W.P.No.2337 of 2025 was filed by the appellant to direct the respondent Nos.1 to 3 in the Writ Petition (the State of Telangana, the Assistant Commissioner of Police, Malkajgiri Division, the SHO, Medipally Police Station) to put the

appellant/writ petitioner in absolute control of J.P. Hospitals and the subject property by implementing the orders in I.A.No.1 of 2024 in W.P.No.36349 of 2024.

3. The appellant had obtained an interim order on 24.12.2024 in I.A.No.1 of 2024 in W.P.No.36349 of 2024 by which the respondent Nos.2-3 therein were directed to unlock the appellant hospital (J.P. Hospitals). The appellant also obtained an interim order dated 24.12.2024 in I.A.No.2 of 2024 in W.P.No.36349 of 2024 whereby the respondents were directed not to interfere with the peaceful possession and enjoyment of the appellant's hospital without following due process of law.

4. By the impugned common order dated 28.07.2025, the learned Single Judge dismissed both the Writ Petitions filed by the appellant on the ground that the appellant/petitioner had failed to show any valid legal right or lease in the subject property/hospital. The learned Single Judge also found that the petitioner had given up the lease and did not retain any tenancy or possession rights over the subject property. The impugned order further states that J.P. Hospitals was running without qualified doctors and was involved in unauthorized medical procedures and criminal charges against the Managing Director for fake medical certificates and malpractice. However, the Writ Petition was primarily dismissed for suppression of material facts

including the pendency of an earlier Writ Petition seeking similar reliefs.

5. Counsel appearing for the appellant disputes the allegation of suppression of facts and submits that material facts are only those which form the foundation of a plaintiff's cause of action or a defendant's defense. Counsel submits that the Writ Petitions should not have been rejected solely on the ground of disputed facts since the petitioner had a legitimate claim. Counsel argues that the Writ Court should have granted relief in the face of admitted arbitrary action on the part of the State.

6. The learned Government Pleader for Home appearing for the Police Department and the Assistant Government Pleader for Medical and Health Department appearing for the District Medical and Health Officer, Medchal Malkajgiri District defend the action against the appellant/J.P. Hospitals on the ground that it was functioning without an authorized license. The Court is informed that the Managing Director of J.P.Hospitals was involved in several malpractices including illegal medical termination of pregnancy.

7. Learned Senior Counsel appearing for the respondent No.4/owner of the subject property argues that the Writ Appeals should be dismissed on the admitted suppression of facts. Counsel urges that the appellant/representative Managing Director of

J.P.Hospitals does not have any valid legal right or lease over the subject property and hence could not have approached the Writ Court for any relief in respect of the subject property.

8. We have heard learned counsel appearing for the appellant, the learned Government Pleader for Home, the Assistant Government Pleader for Medical and Health Department appearing for the District Medical and Health Officer and learned Senior Counsel appearing for the respondent No.4/landlord of the subject property. We have also perused the documents which were placed before the learned Single Judge but were not filed in the Writ Appeal. A list of these documents which were part of the Writ Petition is placed before us by the respondent No.4. Moreover, the appellant has also failed to file certain documents along with the Memo which was handed up by the appellant on 15.10.2025.

9. There are several documents which were a part of the Writ record which are material to the adjudication. None of these 23 documents have been filed in the Appeal. Of these documents, a Deed of Cancellation of Lease dated 21.12.2024 executed between the respondent No.4 and SR Super Speciality Clinic as well as an FIR dated 21.11.2022 and a Chargesheet dated 21.04.2023 have not been placed before us despite being part of the writ record. Apart from these vital documents, there are several other orders and petitions

including a plaint filed by one Santhosh Kumar against the appellant (O.S.No.135 of 2024) which are also not part of the records in the Writ Appeal. The plaint in O.S.No.174 of 2024 filed by the Managing Director of the appellant/J.P. Hospitals against the respondent No.4/landlord for perpetual injunction in respect of the subject property is also not a part of the Writ Appeals.

10. The change in the lease holding/ownership reflects one SR Super Speciality Clinic as well as Santhosh Kumar. However, it is of relevance that the ownership rights of the subject property came back to the respondent No.4. The respondent No.4 is presently the owner of the subject property and there is no dispute to this fact.

11. It is well settled that the materiality of a document is decided by the Court and not by the party who approaches the Court for relief. A person invoking Writ jurisdiction of a High Court under Article 226 of the Constitution of India should approach the Court with clean hands: *Amar Singh Vs. Union of India*¹. The material facts in this case are that the Chinthala Jaipal Reddy who is the Managing director of the appellant/J.P. Hospitals does not have a valid license to practice as a Doctor and a Chargesheet was filed against him for the offences of cheating and forgery under sections 420, 468 and 471 of The Indian Penal Code, 1860.

¹ (2011) 7 Supreme Court Cases 69

12. The fact that the representative/Managing Director of the appellant seeks to discharge the functions of a hospital without having a medical practitioner's license is indeed crucial to the case sought to be made out by the appellant/writ petitioner. The appellant/writ petitioner sought for several reliefs in the two Writ Petitions. In W.P.No.36349 of 2024, the appellant/writ petitioner sought relief against the action of the District Medical and Health Officer and the Station House Officer, Medipally Police Station in locking the subject property. In W.P.No.2337 of 2025, the appellant/writ petitioner sought for a direction on the respondent Nos.1 to 3 therein i.e., the State, the Assistant Commissioner of Police and the Station House Officer, Medipally Police Station to take necessary steps to put the appellant/writ petitioner in absolute control of the hospital. Hence, the fact that the representative/Managing Director of the appellant does not have a license to practice as a Doctor would have a strong bearing on the reliefs sought in the two Writ Petitions.

13. The counter affidavit filed by the respondent No.2/the District Medical & Health Officer in W.P.No.36349 of 2024 states that the representative/Managing Director of the appellant hospital license is liable to be cancelled due to various instances of misconduct and misrepresentation under the District Regulatory Authority

Regulations. The Chargesheet which was brought on record in I.A.No.3 of 2024 in W.P.No.36349 of 2024 by the respondent No.4 also reflects that the representative/Managing Director of the appellant was charged for offences of cheating and forgery and also for practicing medicine with a false certificate and without valid registration from the Telangana State Medical Council.

14. The suppression of the Chargesheet and the counter affidavit of the respondent No.2, by the appellant/writ petitioner which reflects misconduct and misrepresentation not being brought on record. Hence raises a presumption of suppression of facts which is deliberate and for oblique motives. In our view, non-disclosure of these documents would certainly amount to suppression of material facts as they would have a bearing on the appellant's right to relief in the Writ Appeal. We accordingly do not find any error in the impugned order passed by the learned Single Judge and the finding of suppression of facts recorded therein. In fact, the suppression goes to the root of the discretionary jurisdiction of the High Court under Article 226 of the Constitution.

15. Moreover, the appellant relies on new documents in the Writ Appeal including whatsapp communications which were not a part of the record in the two Writ Petitions. The Court cannot entertain an entirely new case in the appellate stage at the behest of either party

and is strictly confined to adjudicate the issues arising from the Suit as framed by the pleadings of the parties: *Divyagnakumari Harisinh Parmar Vs. Union of India*². If there is no pleading having been taken before the Writ Court then it is not available for the party to come out totally with the new case on basis of the document which was never placed before the learned Single Judge for their consideration: *Saraswati Devi vs. State of Jharkhand*³.

16. The Writ Appeals also involve several disputed questions of fact with regard to ownership/possession of the subject property involving several civil suits between appellant, the respondent No.4 as well as the previous owner of the subject property. O.S.No.174 of 2024 is pending before the I Additional District Judge, Medchal Malkajgiri District wherein the appellant has filed a Suit against the respondent No.4 seeking a restraint on the latter from interfering with the appellant's possession of the subject property. O.S.No.135 of 2024 is filed by the previous owner of the subject property/Santhosh Kumar against the appellant for eviction which is also pending before the Principal District Judge, Medchal Malkajgiri District. The High Court while exercising its extraordinary jurisdiction under Article 226 of the Constitution should not adjudicate disputed questions of facts: *Shubhas Jain Vs. Rajeshwari Shivam*⁴.

² 2025 SCC OnLine SC 2064

³ 2025 SCC OnLine Jhar 2972

⁴ (2021) 20 Supreme Court Cases 454

17. It is also undisputed that the appellant does not have any legal or valid right or lease over the subject property. The appellant surrendered the Lease Deed dated 22.08.2022 executed between the appellant and Santhosh Kumar/previous owner of the subject property. Hence, the finding of the learned Single Judge that the appellant does not have any valid legal right or lease over the subject property is factually correct and there is no scope for interference in the said finding. In any event, a Court's interference in the Writ appeal is narrow and should only be exercised when the order in question contains manifest or palpable errors: *B.Venkamuni Vs. C.J. Ayodhya Ram Singh*⁵. The jurisdiction of the Division Bench in a Writ Appeal is primarily one of adjudication of question of law: *Commissioner of Income Tax Vs. Karnataka Planters Coffee Curing Work (P) Ltd.*,⁶. Besides, there are evident contradictions and inconsistencies in the appellant's allegations. The counter affidavit filed by the respondent No.3/Station House Officer, Medipally Police Station in W.P.No.36349 of 2024 denies the appellant's allegation of the police locking the hospital premises and states that Mr.Chinthala Jaipal Reddy, the Managing Director of the appellant hospital lodged a Complaint stating that the respondent No.4/owner of the subject property locked the premises thereby contradicting averments in the two Writ Petitions and the present Writ Appeals.

⁵ 2006 13 SCC 449

⁶ 2016 9 SCC 538

18. The respondent's submissions are corroborated from the material which has been placed by the respondent in the Writ appeal. We do not find any error in the findings of the learned Single Judge. The suppression of facts on the part of the appellant is writ large in the Appeals. The appellant does not have any explanation as to the basis of the appellant taking a unilateral decision of bringing certain selected documents in the Writ Appeal while ignoring the rest which were part of the writ records. The absence of any right in terms of a lease or otherwise in respect of the subject property is a further ground to deny any relief to the appellant.

19. We accordingly find both the Writ Appeals to be devoid of merit. W.A.Nos.1111 and 1112 of 2025, along with all connected applications, are accordingly dismissed. There shall be no order as to costs.

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SD/-MOHD.ISMAIL
DEPUTY REGISTRAR**SECTION OFFICER**

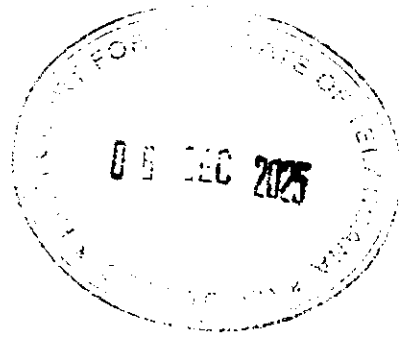
To,

1. One CC to SRI R.SUSHANTH REDDY, Advocate [OPUC]
2. One CC to SRI KATIKA RAVINDER REDDY, Advocate [OPUC]
3. Two CCs to GP FOR MEDICAL HEALTH FW, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies

BSR
LS

HIGH COURT

DATED:24/10/2025



COMMON ORDER

WA.Nos.1111 and 1112 of 2025

**DISMISSING BOTH THE WRIT APPEALS
WITHOUT COSTS**

⑨

Yper
2/12/25