

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

THURSDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 34682 OF 2023

Between:

1. Mr. Yerolla Pentaiaha, S/o. Late Y. Venkaiah
2. Mr. Yerolla Krishna, S/o. Late Y. Venkaiah

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Hyderabad Metropolitan Development Authority, Rep. by its Metropolitan Commissioner, Office At Swarna Jayanthi Complex, Sanjeeva Reddy Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad-500082.
3. The Estate Officer, Hyderabad Metropolitan Development Authority, Office At Swarna Jayanthi Complex, Sanjeeva Reddy Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad-500082.

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 Respondents authorities i.e., Respondent No.2 and 3, in threatening to dispossess the petitioners from their lawful possession in respect of the Agricultural land admeasuring to an extent of Ac. 2.20 Guntas, situated at Yaprall Village, Alwal Mandal, Medchal Malkajgiri District, previously call as Ranga Reddy District without following the due process of Law, as being illegal and arbitrary and unjust and violation of Articles 21 and 300-A of the Constitution of India. Consequently, direct the Respondents not interfere with the peaceful possession and enjoyment of the Petitioners Agricultural land admeasuring to an extent of Agricultural land admeasuring to an extent of Ac. 2.20 Guntas, situated at Yaprall Village, Alwal Mandal, Medchal Malkajgiri District, previously called as Ranga Reddy District;

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 not interfere with peaceful possession and enjoyment of the Petitioners Agricultural land admeasuring to an extent of Ac. 2.20 Guntas, situated at Yaprall Village, Alwal Mandal, Medchal Malkajgiri District, previously call as Ranga Reddy District, Pending disposal of WP 34682 of 2023, on the file of the High Court;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s U V Suresh Kumar Advocate for the Petitioners and GP FOR MCPL ADMN URBAN DEV for the Respondent No.1 and Sri V Narasimha Goud for the respondent Nos. 2 and 3 and the Court made the following.

ORDER:

Learned Government Pleader for Municipal Administration & Urban Development takes notice for respondent No.1.

Sri V. Narasimha Goud, learned Standing Counsel takes notice for respondent Nos.2 and 3.

Admittedly, the petitioners' father herein was permitted to use the land in Sy. No.128, admeasuring Ac.2.20 gts. on account of leprosy in the year, 1962.

Since, the dispute involved in the present Writ Petition relates to whether the revenue authorities intend to grant any patta in favour of the petitioners on account of their long possession being son's of the permitted user, learned Counsel for the petitioners seeks a week's time to implead the concerned revenue authorities in the present Writ Petition.

Learned Standing Counsel appearing on behalf of respondent Nos.2 and 3 submits that the total extent of land in Sy. No.128 is Ac.5.17 gts. and out of the said total extent land to an extent of Ac.4.17 gts out, excluding Ac.1.00 gts left for grave yard was handed over to the respondent Nos.2 and 3 authorities under cover of panchanama dated 19.04.2002.

Learned Standing Counsel seeks three weeks time to file counter in the matter.

In view of the above, the petitioners are directed not to change the nature of the subject property and the respondent Nos.2 and 3 are directed not to take any precipitative action.

List on 24.01.2024 in D.L-1.

SD/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.

2. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Office At Swarna Jayanthi Complex, Sanjeeva Reddy Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad-500082.
3. The Estate Officer, Hyderabad Metropolitan Development Authority, Office At Swarna Jayanthi Complex, Sanjeeva Reddy Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad-500082.
(Addresses 1 to 3 by RPAD)
4. One CC to M/s U V Suresh Kumar, Advocate [OPUC]
5. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court at Hyderabad.
[OUT]
6. One spare copy

HIGH COURT

TVK, J

DATED:28/12/2023

NOTE: LIST ON 24.01.2024 IN D.L-1.

ORDER

WP.No.34682 of 2023

INTERIM DIRECTION

