

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE No: C.C.Nos.102 of 2026 & 2748 of 2024

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	28.04.2026	<u>JAK, J</u> On the earlier occasion, this Court directed by an order dated 09.01.2026 is as follows: “The Contempt Case <i>vide</i> C.C.No.2748 of 2024 is filed by Andhra Bank Staff Welfare Association of Pattabhi Towers vs. Brijlal Tapadia and another. This Court on two previous occasions has passed interim orders on 28.11.2025 and 05.12.2025. Today another Contempt <i>vide</i> C.C.No.102 of 2025 is filed with a leave petition. This matter will be dealt in accordance with law on the next date of hearing. Today submissions are made across the Bar, and a few photographs are submitted by learned counsel appearing on behalf of the petitioner in C.C.No.2748 of 2024 in S.A.No.998 of 2013. This Court earlier expressed its view that neighbours have to live peacefully. Keeping the same view in mind, this Court is not inclined to take any serious view till the matter is reached to an amicable settlement, as it is a dispute between two private parties and are neighbours. Today, after hearing the matter, this Court is of the opinion that an Advocate Commissioner be appointed to look into the entire issue and provide a report and place the report on the file of Court to assess the correct situation, as there were allegations that one of the parties is using its might. This Court is not inclined to delve into these aspects. Be that as it may, the Advocate Commissioner shall visit the site, if required/necessary/seek, he can take assistance of the GHMC Officer, who has earlier abided by this Court order and the concerned Station House Officer shall attach two police personnel from the concerned Station along with the Advocate Commissioner to see that there is no untoward incident. The Advocate Commissioner shall speak to the parties and try to resolve the issue in a peaceful manner. Both the parties shall bear the Advocate Commissioner’s fee costs of Rs.20,000/-. Each of the party’s parties shall pay Rs.10,000/- each, by way of demand draft (DD) in favour of the Advocate Commissioner. The Advocate Commissioner shall intimate his visit before, the Officer of GHMC, SHO are requested to assist the Advocate Commissioner in performing his task entrusted by this Court in the contempt proceedings. This Court can only request both the parties not to precipitate the issue, as this	Transferred to IO folder, before corrections, if any.

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		Court is of the opinion that neighbours have to live peacefully in a serene atmosphere not in an atmosphere of hatred. The Advocate Commissioner shall submit a report in a sealed cover. The Advocate Commissioner shall visit the location by intimating both the parties, take stock of entire situation, take the details of length, breadth, the portion occupied on the road by way of garden (as alleged) and the portion which is left untouched by the garden. He shall also take the assistance of the officer of GHMC to prepare a small plan, if necessary. Post on 22.01.2026.” Pursuant to the order dated 09.01.2026, Advocate Commissioner filed a report. Advocate Commissioner in his conclusion portion held as follows: “I submit that I discussed the grievances and proposals with both parties and made efforts to facilitate an amicable resolution. The residence of Pattabi Towers represented by the Welfare Association have initially came up with the proposals, but latter have expressed that the same has to be put to the residents of the Pattabi Towers for any positive response. The proposal of Tapadi family and management of Tapadia Diagnostic center appeared more practical to deal with the day to day situation for the use of the disputed passage pending adjudication of the lis. Further the proposal of providing free health checkup annually by the Tapadia Diagnostic center to all the residents of Pattabi Towers is a good humanitarian approach. I have tried to convince the representatives of welfare association of Pattabi Towner, more so when seemingly the parking slots allotted to the residents of Flat No's. 205, 107, 105, 403, 401 and 303, are not in active use and but for them, no other residents of Pattabi Towers use the disputed passage. So far I have not received any response from the representatives of welfare association of Pattabi Towner. The commission concluded at about 1:30 P.M. on 08-03-2026.” Having queried with the learned counsels, this Court is of the considered opinion that second appeal pertaining to subject matter has to be decided at an	

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		early date. Accordingly, the second appeal shall be heard in the second week of July. Though contentions have been raised by both sides, it does not appear that none of them are violating the orders. It would be a futile exercise by this Court to take steps in an atmosphere which appears to be a little tense at the subject site, where one property is a residential complex and the other is a diagnostic centre, which falls within the category of commercial nature. Though this Court tried for an amicable settlement, both the parties seem to be at loggerheads, neither of them are giving way for any concessions. It is trite to take note of the fact that a common passage runs from East to West and from North to South, as observed in the interim order of this Court. Once a common passage is said to be running from North to South and East to West, it cannot be truncated at one portion and remain untruncated to other extent. Once it is a common passage of common width of 30 feet, it goes without saying that from one corner to other corner it has to be 30 feet in width/ breadth and 145 feet in length. It cannot be 19 feet at a particular place and 30 feet for the rest. Be that as it may, as there is a status quo order in force, this Court is not inclined to modify the same. A request is be made to both parties, not to escalate issues during pendency of matter.	

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		It is left for wisdom of parties to be at peace, till both the second appeal and the contempt cases are finally heard. Post the matters on 17.07.2026 along with S.A.No.998 of 2013. JAK,J ssm	