

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

WEDNESDAY, THE TWENTY THIRD DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 29436 OF 2024

**Between:**

1. Neella Yadagiri, S/o. Neella Venkata Swamy, Aged about 61 years, Occ-Toddy Tapper.
2. Neella Mallesh, S/o. Neella Venkata Swamy, Aged about 58 years, Occ-Toddy Tapper.
3. Neella Shekar, S/o. Neella Venkata Swamy, Aged about 54 years, Occ-Toddy Tapper.
4. Neella Ravinder, S/o, Neella Venkata Swamy, Aged about 50 years, Occ- Pvt. Employee.
5. Neella Ramesh, S/o. Neella Venkata Swamy, Aged about 43 years, Occ- Pvt. Employee.
6. Neella Kumar, S/o. Neella Venkata Swamy, Aged about 38 years, Occ- Pvt. Employee.
7. Neella Praveen, S/o. Neella Venkata Swamy, Aged about 38 years, Occ- Pvt. Employee.

Petitioners 1 to 7 are R/o. Kongara Kalan Village, Ibrahimpatnam Mandal, R.R. District.

...PETITIONERS

**AND**

1. The State of Telangana, Rep. by its Principal Secretary. Municipal Administration and Urban Development, Secretariat, Hyderabad.
2. Hyderabad Metro Development Authority., Rep. By its Commissioner, Swarna Jayanthi Complex, S.R. Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad - 500 082.
3. The District Collector, Ranga Reddy District At- Kongara Kalan Village, Ranga Reddy District - 501 510.
4. The Adibatla Municipality, Rep. by its Commissioner, Adibatla Village, Ibrahimpatnam Mandal, R.R. District - 501 510.
5. Dandu Ramulu, S/o. Balaiah, Aged about 64 Years, Occ- Agriculture, R/o. Plot No. 26, H. No. 6-138, Nadergul Village, Saroornagar Mandal, R.R. District.

6. Allam Mallesha, S/o. Late Agamaiah, Aged about 64 Years, Occ- Agriculture, R/o. H. No. 1-2-126/2/A, Yellareddyguda, Kapra, ECIL, Medchal-Malkajgiri District.
  7. Allam Venkatesh, S/o. Late Agamaiah, Aged about 54 Years, Occ- Agriculture, R/o. H. No. 1-2-116/2/A, Yellareddyguda, Kapra, ECIL, Medchal-Malkajgiri District.
  8. Allam Jangaiah, S/o. Late Agamaiah, Aged about 49 Years, Occ- Agriculture, R/o. H. No. 1-2-133/2, Yellareddyguda, Kapra, ECIL, Medchal-Malkajgiri District.
  9. A. Chalma Reddy, S/o. A. Janga Reddy, Aged about 60 Years, Occ- Business,
  10. A. Ashok Reddy, S/o. A. Janga Reddy, Aged about 58 Years, Occ- Business,
  11. A. Srinivas Reddy, S/o. A. Janga Reddy, Aged about 56 Years, Occ- Business,
- (Respondents 9 to 11 are R/o. H. No. 17-1-391/T/123, Saraswathi Nagar, Saidabad, Hyderabad.)
12. Smt. Vanam Vijayalaxmi, W/o. Govardhan Reddy, Aged about 52 Years, Occ- Housewife. R/o. 8-4-17/240, Sriram Nagar Colony, Karmaghat, Saroornagar, R.R. District - 500 079.
  13. IRA Urban Ranch LLP, (CIN/Firm/Society/Trust No. ABZ-7558), Rep. By Sri. Jonnala Krishna Kishore Reddy, Aged about 44 Years, Occ- Business, R/o. Anvaya Convention, Vattinagulapalle, Gandipet, R.R. District - 500 032.

### ...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 a Writ, Order or direction, more particularly a Writ in the nature of Mandamus, declaring the action of the Respondents, more particularly that of the 2nd Respondent in seeking to process the application for sanction of layout stated to have been made by the Respondents 5 to 13 in respect of the subject land, ignoring the litigation in AS No. 561/2016, pending on the file of this Hon'ble Court and ignoring the representation of the Petitioners dated 18.09.2024 sent by registered Post with Acknowledgement Due and served on the Vice Chairman of the 2nd Respondent on 20-09-2024 is challenged in this Writ Petition as arbitrary, illegal and Violative of Articles 14, 19 (1) (g), 21 and 300-A of the Constitution of India and consequently direct the 2nd Respondent to revoke/keep in abeyance the layout application, which was submitted by the Respondents 5 to 13 in respect of land admeasuring Ac. 5-00 Gts., in Sy. No. 41/AA3 to AA6 and land admeasuring Ac.1-00 Gt. In Sy. No 39/A/2. totally

admeasuring Ac. 6-00 Gts., situated at Kongara Kalan Village, Ibrahimpatnam Mandal, Rangareddy District.

**IA NO: 1 OF 2024**

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 2nd Respondent not to receive, process or sanction any layout, if presented by the unofficial Respondents in respect of land admeasuring Ac. 5-00 Gts., in Sy. No. 41/AA3 to AA6 and land admeasuring Ac. 1-00 Gt., in Sy. No. 39/A/2, totally admeasuring Ac. 6-00 Gts., situated at Kongara Kalan Village, Ibrahimpatnam Mandal, Rangareddy District.

**Counsel for the Petitioner: SRI K.SRINIVASA.**

**Counsel for the Respondent No.1: AGP FOR MCPL ADMN URBAN DEV**

**Counsel for the Respondent No.2: SMT D.MADHAVI, SC FOR HMDA**

**Counsel for the Respondent No.3: AGP FOR REVENUE**

**Counsel for the Respondent No.4: SRI ABHAY KUMAR SAGAR, SC FOR MCPL**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE K. LAKSHMAN**

**WRIT PETITION No.29436 of 2024**

**ORDER:**

Heard learned counsel appearing for the petitioners, learned Assistant Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, Smt. D. Madhavi, learned Standing Counsel for Hyderabad Metro Development Authority appearing for respondent No.2, learned Assistant Government Pleader for Revenue appearing for respondent No.3 and Sri Abhay Kumar Sagar, learned Standing Counsel appearing for respondent No.4 Municipality. Perused the record.

2. In view of the nature of relief sought by the petitioners, this Writ Petition is disposed of at the admission stage dispensing with notice to respondent Nos.5 to 13.

3. According to the petitioners, they have filed a suit vide O.S.No.816 of 2013 against respondent Nos.5 to 8 and other defendants seeking partition and separate possession of the suit schedule property. They have also filed interlocutory application in the said suit seeking to restrain the defendants therein from encumbering, alienating and changing the physical features of the suit schedule property. The trial Court granted the said order. Thereafter, defendants filed an interlocutory application vide I.A.No.2704 of 2014 under Order VII Rule 11 (d) of C.P.C to reject the plaint in the said suit. The same was allowed.

4. Feeling aggrieved by the said order, the petitioners preferred an appeal vide A.S.No.567 of 2016. There is no interim order in the said appeal and the same is pending.

5. During the pendency of the said appeal, respondent Nos.5 to 8 and 10 and other defendants in the said suit alienated the suit schedule property in favour respondent

Nos.9, 11, 12 and 13 who, in turn, submitted an application with respondent No.2 for layout. Petitioners submitted objections dated 18.09.2024 to respondent No.2 with a request not to consider the application submitted by respondent Nos.9,11, 12 and 13 in respect of the subject property seeking layout. Despite receiving and acknowledging the said objections, respondent No.2 did not act upon the same. Aggrieved by the said inaction of respondent No.2, the petitioners filed the present writ petition.

**6.** Whereas, Smt. D. Madhavi, learned Standing Counsel appearing for respondent No.2, on instructions, would submit that file number i.e., 045738/ZA/LO/U6/II/2021 dated 10.02.2023 mentioned by the petitioners in their objections dated 18.09.2024 does not belong to the subject property. Therefore, the petitioners have to submit objections by mentioning the file number properly and thereafter respondent No.2 will consider the same.

7. In the light of the said submissions, this writ petition is disposed of granting liberty to the petitioners to submit fresh objections to respondent No.2 mentioning the file number and details of the property properly and on filing such objections, respondent No.2 shall consider the same and disposed it of, strictly in accordance with law, by putting the petitioners and respondent Nos.9, 11, 12 and 13 on notice and affording them an opportunity within a period of four (4) weeks from the date of receipt of the said objections. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

SD/-N.CHANDRA SEKHAR  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner, Hyderabad Metro Development Authority, Swarna Jayanthi Complex, S.R. Nagar Road, Srinivasa Nagar, Ameerpet, Hyderabad - 500 082.
3. The District Collector, Ranga Reddy District At- Kongara Kalan Village, Ranga Reddy District - 501 510.
4. The Commissioner, Adibatla Municipality, Adibatla Village, Ibrahimpatnam Mandal, R.R. District - 501 510.
5. One CC to SRI K.SRINIVASA, Advocate [OPUC]

6. One CC to SRI ABHAY KUMAR SAGAR, SC FOR MCPL [OPUC]
7. One CC to SMT D.MADHAVI, SC FOR HMDA [OPUC]
8. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
10. Two CD Copies

BSR  
BS







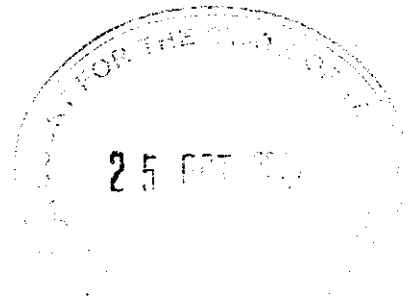
CC TODAY

HIGH COURT

DATED: 23/10/2024

ORDER

WP.No.29436 of 2024



DISPOSING OF THE WRIT PETITION,  
WITHOUT COSTS

(14)  
25/10/24  
GWS