

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

**FRIDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 885 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 12/03/2024 in the W.P.No.11644 of 2023 on the file of the High Court.

Between:

Chirapangi Rajeswari @ Damera Rajeswari, W/o. Srinivasa Rao, aged about 55 years, Occ: Government Teacher, R/o. H. No. 4- 7- 180, Gajularajam Basthi, Kothagudem Town and Mandal Bhadradi- Kothagudem District- 507101

...APPELLANT

AND

1. The State of Telangana, Rep. by its principal Secretary, Municipal Administration Department and Urban Development authority, Secretariat, Hyderabad- 500022.
2. The Commissioner, Kothagudem Municipality- 507101, Kothagudem, Bhadradi- Kothagudem District.
3. The District Collector, Kothagudem, Bhadradi- Kothagudem District- 507101.
4. The Tahsildar, Kothagudem Mandal and Town- 507101. Bhadradi- Kothagudem District.
5. Mandal Revenue Inspector, Kothagudem Mandal, Bhadradi - Kothagudem District - 507101
6. Maturi Mahender, S/o. Odelu, Aged about 35 years, Occ: Private Employee R/o. H. No. 4- 7- 181, Gajularajam Basti, Kothagudem Town and Mandal, Bhadradi- Kothagudem District

...RESPONDENTS

IA NO: 2 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 respondents 3 to 5 not to conduct enquiry pertaining to the subject matter street/galli situated on the northern side of appellant house bearing H. No. 4- 7-180, situated at Gajularajam Basthi, Kothagudem Town, Bhadradri- Kothagudem District, pursuant to the order dated 12- 03- 2024 in W. P. No. 11644 of 2023 on the file of this Hon'ble Court, pending disposal of the writ appeal.

Counsel for the Appellant: SRI S. MADAN MOHAN RAO

**Counsel for the Respondent No.1: SRI E. VENKATA REDDY
GP FOR MCPL ADMN URBAN DEV**

**Counsel for the Respondent No.2: SRI M. RAM MOHAN REDDY,
SC FOR MUNICIPALITIES**

**Counsel for the Respondent Nos.3 to 5: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

Counsel for the Respondent No.6: MS. R. DEEPA

The Court Delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.885 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. S.Madan Mohan Rao, learned counsel for the appellant.

Mr. E.Venkata Reddy, learned Government Pleader for Municipal Administration and Urban Development Department for respondent No.1.

Mr. M.Ram Mohan Reddy, learned Standing Counsel for Municipalities for respondent No.2.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue Department for respondent Nos.3 to 5.

Ms. R.Deepa, learned counsel for respondent No.6.

2. With consent of the learned counsel for the parties, the writ appeal is heard finally.

3. In this intra court appeal, the appellant has assailed the validity of the order dated 12.03.2024 passed by the learned Single Judge in W.P.No.11644 of 2023, by which writ petition preferred by the appellant has been disposed of with the direction to Commissioner, Kothagudem Municipality to take further action after approaching the District Collector, Tahsildar and Mandal Revenue Inspector to obtain information/verification with regard to existing road/lane between the houses of the appellant and respondent No.6. In the instant appeal, the appellant is aggrieved by the order of the learned Single Judge only insofar as it contains a direction to the Commissioner, Kothagudem Municipality to approach the District Collector, Tahsildar and Mandal Revenue Inspector about the verification of existing road/lane.

4. Learned counsel for the appellant submits that under Sections 294 and 185 of the Telangana Municipalities Act, 2019, the Municipality itself is competent to determine the issue with regard to existence of road/lane.

5. On the other hand, learned counsel for respondent No.6 has submitted that the appellant is relying on a forged document in support of his contention about existence of the road/lane.

6. Be that as it may, the Municipality has power under Sections 294 and 185 of the Telangana Municipalities Act, 2019, to determine the issue with regard to existence of a road/lane between the houses of the appellant and respondent No.6.

7. Therefore, the order dated 12.03.2024 passed by the learned Single Judge in W.P.No.11644 of 2023 is modified and the directions contained in the order passed by the learned Single Judge insofar as it directs the Commissioner, Kothagudem Municipality to approach the District Collector, Tahsildar and Mandal Revenue Inspector is set aside. Needless to state that it will be open for respondent No.6 to urge a contention that the appellant is relying on a forged document and the road/lane does not exist. It is clarified that this Court has not expressed any

opinion with regard to existence of road/lane as the aforesaid question has to be determined in a proceeding under the Telangana Municipalities Act, 2019 by the competent authority.

8. Accordingly, the Writ Appeal is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The principal Secretary, Municipal Administration Department and Urban Development authority, Secretariat, The State of Telangana, Hyderabad-500022.
2. The Commissioner, Kothagudem Municipality- 507101, Kothagudem, Bhadradi- Kothagudem District.
3. The District Collector, Kothagudem, Bhadradi- Kothagudem District- 507101.
4. The Tahsildar, Kothagudem Mandal and Town- 507101. Bhadradi- Kothagudem District.
5. Mandal Revenue Inspector, Kothagudem Mandal, Bhadradi - Kothagudem District - 507101
6. One CC to Sri S. Madan Mohan Rao, Advocate [OPUC]
7. One CC to Ms. R. Deepa, Advocate[OPUC]
8. One CC to Sri M. Ram Mohan Reddy, SC for Municipalities[OPUC]
9. Two CCs to The GP for Revenue, High Court for the State of Telangana, at Hyderabad[OPUC]
10. Two CCs to GP for Municipal Administration Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
11. Two CD Copies

T J
GJP

HIGH COURT

DATED:27/09/2024

JUDGMENT

WA.No.885 of 2024



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

(15) Copies
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19/11/24