

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

THURSDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

**WRIT PETITION (PIL) No: 17 OF 2023; WRIT PETITION Nos.34686 of
2022, 43169 of 2022 and 4900 of 2023**

WRIT PETITION (PIL) NO: 17 OF 2023

Between:

1. Smt K.Venkatalaxmi, W/o K. Damodhar Reddy, aged 65 years, Occ. Agriculture and MPTC.
2. Kurra Anjaiah (Yerukala), S/o Kurra Yellaiah, aged 49 yrs, Occ. Agriculture.
Both R/o (Vill) Muthyampet, (M) Domakonda, Dist. Kamareddy.

...PETITIONERS

AND

1. State of Telangana, Panchayat Raj dept, rept by its Prl Secretary, Secretariat, Hyderabad.
2. State of Telangana, Education dept, rept by its Prl Secretary, Secretariat, Hyderabad.
3. Dist Collector, Kamareddy Dist.
4. Dist Panchayat officer, Kamareddy.
5. Dist Educational of Officer, Kamarddy Dist.
6. Gram Panchayat, (Vill) Muthhyampet, (M) Domakonda, Dist. Kamareddy rept by its Panchayat Secretary.
7. Smt Muthagari Roja, W/o Shirish goud aged 30 years, Occ. House wife, R/o (Vill) Mutliyampet, (M) Domakonda, Dist. Kamareddy.

...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 particularly one in the nature of Writ of Mandamus challenging the inactions of respondents is not

stopping unauthorised shop constructions contrary to houses permissions dt 29-6-2022, by trespassing into Govt., land/ School play ground in Sy. No 638/A/1, 638/A/2, 638/AA, extent Ac 2.11 guntas, situated at Vill. Muthyampet, (M) Domakonda, Dist Kamareddy, which were donated by late K. Venkataram Reddy, M. Anjaiah long back, by 7th respondent without Gram Panchayat permission, who got fake House permissions dt 29-06-2022 with H.No. 1-3/A, 1-3/A 1 to 5, is totally illegal, arbitrary, unjust, discriminatory, unreasonable, opposed to public policy and violative of 14, 21 of Constitution of India, apart from violative of principles of natural justice and the authorities are not discharging their statutory duties to protect Govt.lands/ School play ground from Smt M. Roja and call for records by issuing consequential directions. a) not to allow any unauthorized constructions without Gram Panchayat permissions over Govt lands/ School play ground in Sy. No. 638/A/ 1 & 2, 638/AA, total extent Ac 2.11 guntas, by Smt M. Roja or any body, b) to demolish all unauthorized constructions including shops made by 7th respondent over said Govt land/ School play ground at the costs of 7th respondent -Smt M. Roja to be recover as per law, c) to direct the respondents to construct compound wall around School play ground by demarcating the same with the assistance of Dist. Collector, Asst. Director Survey and Land Records, Kamareddy, by appointing Advocate commissioner, to avoid influence of 7th respondent or her husband and award exemplary costs.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to Stay all illegal, unauthorised constructions of shops over the Govt lands/ School play ground in Sy No 638/A/1 & 2, 638/AA, total extent Ac 2.11 gts, situated at Vill. Mutyampet, (M) Domakonda, Dist. Kamareddy, by 7th respondent-Smt M. Roja, pending disposal of PIL.

IA NO: 2 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 Dist. Collector Sri Jithesh V. Patil -3rd respondent herein, to measure and demarcate the School lands Ac 2.11 gts in Sy. No 638/A/1 & 2, 638/AA, as per Dharani portal entries and 7th respondent's plots 1100 Sq.yds i.e., H.Nos.1-3, 1-3/A 1 to 5, situated at Vill. Mutyampet, (M) Domakona, Dist. Kamareddy, by submitting impartial Status Report to this Hon'ble Court immediately with ground realities to take further actions by this Hon'ble Court.

Counsel for the Petitioners: SRI K.RAVI MAHENDER

**Counsel for the Respondent No.1 & 4: Ms. SHAZIA PARVEEN,
GP FOR PANCHAYAT RAJ RURAL DEV**

Counsel for the Respondent No.2 & 5: GP FOR SCHOOL EDUCATION

**Counsel for the Respondent No.3: SRI K.MURALIDHAR REDDY,
GP FOR REVENUE**

**Counsel for the Respondent No.6: SRI K.PRADEEP REDDY,
SC FOR GRAM PANCHAYAT**

**Counsel for the Respondent No.7: SRI MOHD. OMERULLAH SHAREEF, REP.
SRI ASADULLA SHAREEF**

WRIT PETITION NO: 34686 OF 2022

Between:

Muthugari Sirish Goud, S/o Saya Goud, Aged about 33 Years, Occupation - Upa - Sarpanch R/o Muthyampeta, Gram Panchayath, Domakonda Mandal, Kamareddy District.

.....**PETITIONER**

AND

1. The State of Telangana, Rep. by its Principal Secretary Panchayath Raj and Rural Development Department, Secretariat BRK Bhavan, Saifabad, Hyderabad
2. The District Collector, Kamareddy District.
3. The District Panchayath Officer, Kamareddy District.
4. Revenue Divisional Officer, Kamareddy Division, Kamareddy District.

5. The Mandal Panchayath Officer, Domakonda Mandal, Kamareddy District
6. Muthyampeta Gama Panchayath, Muthyampeta Village, Domakonda Mandal Kamareddy District, Rep by its Panchayat Secretary

...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 one in Writ of Mandamus declaring the action of the respondent No.4 in issuing the notice vide the letter B2/1110/2022 dated 25-08-2022 under form - IV scheduling the for meeting of No - Confidence on 13-09-2022 at 11.00 am at the office of Muthyampeta Grama Panchayati Office without enclosing copy application to make No - Confidence motion against the petitioner is illegal, arbitrary and violation of the Rule 2 7 3 of G.O. Ms No.200 dated 28-04-1998 against the Upa - Sarapanch of Gram Panchayat or President or Vice President or Mandal Parishad or Chairperson or Vice Chairperson of Zilla Parishad in G.O.Ms No.200 dated 28-04-1998 and also against section 30 (1) of Telangana Panchayat Raj Act 2018 and consequently set aside the same.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay the further proceedings of notice vide the letter B2/1110/2022 dated 25/08/2022 under form -IV scheduling the meeting of No - Confidence on 13-09-2022 at 11.00 am at the office of Muthyampeta Grama Panchayati Office, and pending disposal of the writ petition.

IA NO: 2 OF 2022

Between:

1. The State of Telangana, Rep. by its Principal Secretary Panchayath Raj and Rural Development Department, Secretariat BRK Bhavan, Saifabad, Hyderabad
2. The District Collector, Kamareddy District.
3. The District Panchayath Officer, Kamareddy District.
4. Revenue Divisional Officer, Kamareddy Division, Kamareddy District.

5. The Mandal Panchayath Officer, Domakonda Mandal, Kamareddy District

...PETITIONERS

AND

- 1 Muthugari Sirish Goud, S/o Saya Goud, Aged about 33 Years, Occupation - Upa - Sarpanch R/o Muthyampeta, Gram Panchayath, Domakonda Mandal, Kamareddy District

RESPONDENT/PETITIONER

- 2 Muthyampeta Gama Panchayath, Muthyampeta Village, Domakonda Mandal Kamareddy District, Rep by its Panchayat Secretary

...RESPONDENT /RESPONDENT 6

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 vacate the interim order dated:13/09/2022 in W.P.No.34686 of 2022 and also dismiss the Writ Petition.

Counsel for the Petitioner: SRI KUNCHA SUNIL GOUD

**Counsel for the Respondent No.1, 3 & 5: Ms. SHAZIA PARVEEN,
GP FOR PANCHAYAT RAJ RURAL DEV**

**Counsel for the Respondent No.2 & 4: SRI K.MURALIDHAR REDDY,
GP FOR REVENUE**

**Counsel for the Respondent No.6: SRI K.PRADEEP REDDY,
SC FOR GRAM PANCHAYAT**

WRIT PETITION NO: 43169 OF 2022

Between:

Muthagari Roja, W/o. Shirish Goud, aged about 30 Years, Occ House hold, R/o. H.No.1-3, Muthyampet Village, Domakonda Mandal, Kamareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department Panchayath Raj and Rural Development, Secretariat, Hyderabad.
2. The District Collector, Kamareddy District,
3. The District Panchayath Officer, Kamareddy District.
4. Office of the Grampanchayath, Rep.by Sri. Banala Suryaprakash Reddy Sarpanch, Muthyampet village, Domakonda Mandal
5. Muthyampet Grampanchayath, Rep. by The Panchayath Secretary Muthyampet Village, Domakonda Mandal.

6. K.Raja Reddy, S/o. K.Venkat Ram Reddy, Aged 65 years,
7. K.Narender Reddy, S/o. K.Venkat Ram Reddy, Aged 66 years,
8. K.Manohar Reddy, S/o. K.Mohan Reddy, Aged 63 years,

All Occ: Agriculture, R/o. (Vill) Muthyampet, (M) Domakonda, Dist. Kamareddy.

(R6 to R8 are impleaded as per Court order dt. 18.12.2025 vide I.A.No.1 of 2023 in W.P.No.43169 of 2022)

...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 one in the nature of Writ of Mandamus declaring the action of the Respondent No.4 in Cancellation of the House construction permissions vide. Grampanchayath Resolution, Dated 04.11.2022 in Sy.No. 638 open plots bearing H.Nos. 1-3/A, 1-3/A/1, 1-3/A/2, 1-3/A/3, 1-3/A/4 and 1-3/A/5 situated at Muthyampet village, Domakonda mandal, Kamareddy District in violation of the provisions of the Telangana Panchayath Raj Act 5 of 2018 and rules made therein is highly arbitrary and illegal violation of Article 14,21 and 300-A of the constitution of India and against the principles of natural justice.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned Grampanchayath Resolution Dated 04.11.2022 pending disposal of the main writ petition in the interest of justice.

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 call for the records i.e., Records of Revision Book, Record Book and Tax Book for the year 2022 and 2023 from the respondent No: 5, pending disposal of the writ petition.

IA NO: 2 OF 2023

Between:

1. K.Raja Reddy, S/o. K.Venkat Ram Reddy, Aged 65 years,
2. K.Narender Reddy, S/o. K.Venkat Ram Reddy, Aged 66 years,
3. K.Manohar Reddy, S/o. K.Mohan Reddy, Aged 63 years,
- All Occ: Agriculture, R/o. (Vill) Muthyampet, (M) Domakonda, Dist. Kamareddy.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Panchayath Raj Department, Hyderabad.
2. The District Collector, Kamareddy District,
3. The District Panchayath Officer, Kamareddy District.
4. Office of the Grampanchayath, Rep.by B. Suryaprakash Reddy Sarpanch, Muthyampet village, Domakonda Mandal
5. Muthyampet Grampanchayath, Rep. by the Panchayath Secretary Muthyampet Village, Domakonda Mandal.
6. Muthagari Roja, W/o. Shirish Goud, aged about 30 Years, Occ House hold, , Muthyampet Village, Domakonda Mandal, Kamareddy District.

...RESPONDENTS

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 vacate interim orders dated 07.12.2022 passed in W.P. No. 43169 of 2022 with costs by dismissing Writ petition.

**Counsel for the Petitioner: SRI MOHD. OMERULLAH SHAREEF, REP.
SRI ASADULLA SHAREEF**

**Counsel for the Respondent Nos.1 & 3: Ms. SHAZIA PARVEEN,
GP FOR PANCHAYAT RAJ
RURAL DEV**

**Counsel for the Respondent No.2: SRI K.MURALIDHAR REDDY,
GP FOR REVENUE**

**Counsel for the Respondent Nos.4 & 5: SRI K.PRADEEP REDDY,
SC FOR GRAM PANCHAYAT**

Counsel for the Respondent Nos.6 to 8: SRI K.RAVI MAHENDER

WRIT PETITION NO: 4900 OF 2023

Between:

Smt. Mothagari Roja, W/o Shirish Goud, Aged 31 years, Occ Household, R/o H.No.1-3, Muthyampet Village, Domakonda Mandal, Kamareddy District.

...PETITIONER

AND

1. The State of Telangana, Rep., by its Principal Secretary, Revenue, Telangana Secretariat, Hyderabad.
2. The State of Telangana, Rep., by its, Principal Secretary, Panchayath Raj and Rural Development, Telangana Secretariat, Hyderabad.
3. The District Collector, Kamareddy District.
4. The Panchayath, Secretary, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
5. The District Panchayath Officer, Muthyampeth Gram Panchayath, Domakonda Mandal, Kamareddy District.
6. Panchayath Secretary, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
7. Sarpanch, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
8. Mr. Jitesh V Patil, District Collector, Kamareddy District.
9. Mr. M. Anjaiah, Secretary, Muthyampet, Gram Panchayath, Kamareddy District.
10. Mr. Banala Surya Prakash Reddy, Sarpanch, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.

...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 Writ order or direction more particularly one in the nature of writ of mandamus declaring the acts of the respondents more particularly the acts of respondent No.3 and 6 in interfering in civil dispute by abusing their official capacity favouring their interested private parties by issuing fresh resolution dated 24-01-2023 and 27-01-2023 by respondent No.6, notice issued by respondent No.3 vide Notice No A3/65/2023 dated 10-02-2023, whereas the earlier resolution passed by the 3rd respondent is stayed by the Honble High Court in WP No 43169 of 2022 is as illegal, arbitrary, favourism corruptive and

interference in civil courts jurisdiction by abusing the official capacity and to set aside the same.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay the proceedings of the 6th respondent dated 24-01-2023 and 27-01-2023 along with notice No A3/65/2023 dated 10-02-2023 of 3rd respondent, pending disposal of the writ petition.

IA NO: 2 OF 2023

Between:

1. The State of Telangana, Rep., by its, Principal Secretary, Panchayath Raj and Rural Development, Telangana Secretariat, Hyderabad.
2. The District Collector, Kamareddy District.
3. The District Panchayath Officer, Muthyampeth Gram Panchayath, Domakonda Mandal, Kamareddy District.

...PETITIONERS/RESPONDENTS 2,3 & 5

AND

- 1 Smt. Mothagari Roja, W/o Shirish Goud, Aged 31 years, Occ Household, R/o H.No.1-3, Muthyampet Village, Domakonda Mandal, Kamareddy District.
- 2 The State of Telangana, Rep., by its Principal Secretary, Revenue, Telangana Secretariat, Hyderabad.
- 3 The Panchayath, Secretary, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
- 4 Panchayath Secretary, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
- 5 Sarpanch, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
- 6 Mr. Jitesh V Patil, District Collector, Kamareddy District.
- 7 Mr. M. Anjaiah, Secretary, Muthyampet, Gram Panchayath, Kamareddy District.
- 8 Mr. Banala Surya Prakash Reddy, Sarpanch, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.

(Respondent No.1 4 6 to 10 in W.P. i.e., 2 to 8 herein are not necessary parties in this petition)

...RESPONDENTS

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 vacate the interim orders dated 21/02/2023 in IA NO.1/2023 in WP No.4900/2023 and dismiss the above writ petition.

IA NO: 3 OF 2023

Between:

1. The Sarpanch, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
2. Mr. Banala Surya Prakash Reddy, Sarpanch, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.

...PETITIONERS/RESPONDENTS 7 & 10

AND

- 1 Smt. Muthagari Roja, W/o Shirish Goud, Aged 31 years, Occ Household, R/o H.No.1-3, Muthyampet Village, Domakonda Mandal, Kamareddy District.

RESPONDENT/ WRIT PETITIONERS

- 2 The State of Telangana, Rep., by its Principal Secretary, Revenue, Telangana Secretariat, Hyderabad.
- 3 The State of Telangana, Rep. , by its, Principal Secretary, Panchayath Raj and Rural Development, Telangana Secretariat, Hyderabad.
- 4 The District Collector, Kamareddy District.
- 5 The Panchayath, Secretary, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
- 6 The District Panchayath Officer, Muthyampeth Gram Panchayath, Domakonda Mandal, Kamareddy District.
- 7 Panchayath Secretary, Muthyampet Gram Panchayath, Domakonda Mandal, Kamareddy District.
- 8 Mr. Jitesh V Patil, District Collector, Kamareddy District.
- 9 Mr. M. Anjaiah, Secretary, Muthyampet, Gram Panchayath, Kamareddy District.

...RESPONDENTS

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 Vacate interim Stay dated 21-02-2023 passed in W.P. No. 4900 of 2023 with costs by dismissing Writ Petition.

**Counsel for the Petitioner: SRI MOHD. OMERULLAH SHAREEF, REP.
SRI ASADULLA SHAREEF**

**Counsel for the Respondent No.1 & 3: SRI K.MURALIDHAR REDDY,
GP FOR REVENUE**

**Counsel for the Respondent No.2 & 5: Ms. SHAZIA PARVEEN,
GP FOR PANCHAYAT RAJ RURAL DEV**

**Counsel for the Respondent No.4 & 6: SRI K.PRADEEP REDDY,
SC FOR GRAM PANCHAYAT**

Counsel for the Respondent No.7, 9 & 10: Ms. K.SARALA MAHENDER REDDY

The Court made the following: COMMON ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN**

**WRIT PETITION (PIL) No.17 of 2023; WRIT PETITION Nos.34686 of
2022, 43169 of 2022 and 4900 of 2023**

DATE: 18.12.2025

WRIT PETITION (PIL) No.17 OF 2023

Between:

K.Venkatalaxmi and another

....Petitioners

AND

The State of Telangana, Panchayat Raj Department,
rep. by its Principal Secretary, Secretariat,
Hyderabad and 6 others

....Respondents

WRIT PETITION No.34686 OF 2022

Between:

Muthugari Sirish Goud

....Petitioner

AND

The State of Telangana rep. by its Principal
Secretary, Panchayat Raj and Rural Development
Department, Secretariat BRK Bhavan, Saifabad,
Hyderabad and 5 others

....Respondents

WRIT PETITION No.43169 OF 2022

Between:

Muthagiri Roja

....Petitioner

AND

The State of Telangana rep. by its Principal Secretary, Panchayat Raj and Rural Development Department, Hyderabad and 7 others.

....Respondents**WRIT PETITION No.4900 OF 2023**

Between:

Muthagiri Roja

....Petitioner

AND

The State of Telangana rep. by its Principal Secretary Revenue, Telangana Secretariat, Hyderabad and 9 others

....Respondents**COMMON ORDER**

Since the issues that arise in the above Public Interest Litigation and Writ Petitions are integrally one and the same, these matters are being disposed of by this common order.

2. The Writ Petition (Public Interest Litigation) has been instituted challenging the alleged inaction on the part of the respondents in failing to prevent the unauthorized constructions being raised contrary to the house permissions dated 29.06.2022 by respondent No.7 without obtaining the Gram Panchayat's permission and by relying upon fake house permissions dated 29.06.2022 bearing

H.No.1-3/A and 1-3/A1 to 5, by trespassing into Government land/School playground situated in Sy.Nos.638/A/1, 638/A/2 and 638/AA, admeasuring Ac.2.11 gts, at Muthyampet Village, Domakonda Mandal, Kamareddy District, which is stated to have been donated by late K. Venkataram Reddy and M. Anjaiah much earlier.

3. For the sake of convenience, the petitioners i.e., Smt. K.Venkatalaxmi and Sri Kurra Anjaiah in W.P.(PIL) No.17 of 2023 are referred to as 'petitioners'.

4. Respondent No.7 in W.P.(PIL) No.17 of 2023 and the petitioner in W.P.No.43169 of 2022 and W.P.No.4900 of 2023 being one and the same, is referred to as 'respondent No.7' for the sake of convenience of the case.

5. Heard Sri K.Ravi Mahender, learned counsel for the petitioners in W.P.(PIL) No.17 of 2023; Sri Mohd. Omerullah Shareef, learned counsel representing Sri Asadulla Shareef, learned counsel for respondent No.7 in W.P.(PIL).No.17 of 2023 i.e., the petitioners in W.P.Nos.43169 of 2022 and 4900 of 2023; Smt. Shazia Parveen, learned Government Pleader appearing for Panchayat Raj Department; Sri K.Pradeep Reddy, learned Standing Counsel appearing for Gram Panchayat in W.P.Nos.43169 of 2022 and 4900 of 2023 and W.P.(PIL).No.17 of 2023 and Sri Muralidhar Reddy Katram, learned

Government Pleader appearing for Revenue Department in W.P.Nos.4900 of 2023 and W.P.(PIL).No.17 of 2023 and perused the record.

Chronology of litigations

6. W.P.No.43169 of 2022 is filed by respondent No.7 in W.P.(PIL) No.17 of 2023 questioning the action of the 4th respondent–Gram Panchayat, Muthyampet, in revoking the house construction permissions *vide* resolution dated 04.11.2022 earlier granted to her in Sy.No.638 of Muthyampet Village.

7. W.P.No.34686 of 2022 is filed by one M Sirish Goud i.e., Upa-Sarpanch of Muthyampeta Gram Panchayat, questioning the action of the 4th respondent in issuing a notice *vide* letter B2/1110/2022 dated 25.08.2022 in Form-IV scheduling a meeting on 13.09.2022 for moving a No-Confidence Motion.

8. W.P.No.4900 of 2023 is filed by respondent No.7 in W.P.(PIL) No.17 of 2023 questioning the action of the official respondents, particularly respondent Nos. 6 and 10, in allegedly interfering in civil dispute by issuing resolutions dated 24.01.2023 and 27.01.2023, and notice dated 10.02.2023, directing the respondent No.7 to stop the construction.

9. W.P.(PIL) No.17 of 2023 is filed by villagers and stakeholders of the Government/Zilla Parishad High School (ZPHS), Muthyampet i.e., one Smt. K. Venkatalaxmi and Sri Kurra Anjaiah (petitioners) questioning the inaction of the official respondents (respondent Nos.1 to 6) in preventing and stopping the alleged unauthorized construction by the 7th respondent i.e. petitioner in W.P.No.43169 of 2022 and W.P.No.4900 of 2023, by trespassing into and encroaching upon Government-School land situated in Sy.Nos.638, 638/A/1 & 2 and 638/AA admeasuring Ac.2.11 gts.

Compendium of facts

10. The centralized facts imperative for adjudication of the present set of cases, are as follows:

- i. That respondent No.7 in June of 2022 is alleged to have purchased six open plots *vide* G.P.H.Nos.1-3/A, 1-3/A 1 to 5 at Muthyampet Village of Domakonda Mandal, Kamareddy District under six separate registered sale deeds dated 16.06.2022 and 17.06.2022 from one Shek Ajim and Mohammed Imthiyaz (for short 'vendors'). Subsequently, Muthyampet Gram Panchayath granted building permission dated 29.06.2022 for all the above six plots.
- ii. That respondent No.7 filed suit *vide* O.S.No.183 of 2022 against third parties for perpetual injunction, wherein the trial Court *vide* order dated 15.09.2022 has granted an *ad interim ex parte* injunction

restraining the defendants therein from interfering with her possession.

iii. On 04.11.2022 Gram Panchayath passed a resolution dated 04.11.2022 cancelling the building permissions granted to the respondent No.7 herein and other plot owners in Sy.No.638. Aggrieved by the same, the respondent No.7 herein has filed W.P.No.43169 of 2022, wherein the Court granted an interim order dated 07.12.2022 directing the respondent authorities therein not to take any coercive steps against the respondent No.7's possession pursuant to the resolution dated 04.11.2022.

iv. The Gram Panchayath thereafter passed fresh resolutions dated 24.01.2023 and 27.01.2023, wherein it was recorded that the land situated in Sy.Nos.638/AA and 638/AA/1 was the subject of dispute, and the respondent authorities were accordingly informed to halt the ongoing building constructions undertaken therein.

v. Accordingly, the District Collector issued notices dated 04.02.2023 and 10.02.2023 to respondent No.7 herein, requiring her to produce the applications and supporting documents allegedly submitted to the Gram Panchayat for obtaining house permissions, and directing all concerned parties to appear on 17.02.2023 at 4:00 p.m. with the relevant records, failing which the matter would be decided on the basis of the material available on record. Aggrieved by

the said fresh resolutions dated 24.01.2023 and 27.01.2023 issued by the Gram Panchayath the respondent No.7 herein has filed W.P.No.4900 of 2023.

vi. At this juncture, one Smt. K. Venkatalaxmi and Sri Kurra Anjaiah i.e., the petitioners herein being villagers and stakeholders of the Government/ZPHS, acting to protect public property and the interests of school students alleged that the subject land was donated decades ago for public purposes, specifically for a school and its playground. That the respondent No.7 in collusion with certain local officials, including her husband (who earlier held the office of Upa-Sarpanch), has orchestrated the creation of fabricated documents, comprising forged ownership certificates purportedly issued by the Gram Panchayat and consequential sale deeds, with a view to project a false claim of title over land admeasuring about 1100 sq yds, and on the basis of such fabricated documents, the respondent No.7 has procured building permissions and has commenced construction by unlawfully trespassing into the school's playground, which stands recorded as Government land and is reflected in the prohibited lands category on the Dharani portal.

Contentions on behalf of the petitioners

11. Learned counsel contends that the respondent No.7, along with her husband i.e., the petitioner in W.P.No.34686 of 2022 (the former Upa-Sarpanch), had encroached upon the donated School playground without any title, possession, lay-out plan or plot numbers, and has been raising illegal and unauthorized constructions from 25.01.2023, particularly during night hours to avoid protest by the villagers.

12. It is contended that one Smt. Yerkala Parvathi procured two fake ownership certificates dated 24.07.2020 and 25.08.2020 from the Gram Panchayat, in collusion with the then Secretary, Sri Raj Kumar, showing an extent of 200 sq. yds. with the nearest H.No.1-3 shown, without any title, survey number, layout or plot particulars, and sold the said property to one Mohd. Javeed through registered sale deed Doc.No.4101/2020 dated 19.08.2020 and rectification deed Doc.No.4309/2020 dated 27.08.2020. It is alleged that, Mohd. Javeed obtained another fake ownership certificate dated 21.01.2021 showing H.No.1-3/A and thereafter sold the plot to respondent No.7 through registered sale deed Doc.No.975/2021 dated 20.03.2021, who then sold it to one Shaik Azim under Doc.No.1533/2021 dated 14.06.2021; Shaik Azim, in turn, resold it to respondent No.7 under Doc.No.1671/2022 dated 17.06.2022. Subsequently, the respondent

No.7 obtained fake house permissions dated 29.06.2022 without any entry in the Gram Panchayat records or any online application.

13. Learned counsel contended that one Manda Anjaneyulu obtained two fake ownership certificates dated 21.01.2021 showing H.No.1-3/A/1 and 1-3/A/2, admeasuring 166.66 and 133.33 sq. yds., without any survey number, layout plan, plot details, title or possession, and sold them to Shaik Azim under Doc.Nos.1619 and 1620/2022 dated 10.06.2022, who transferred them to respondent No.7 within a week under Doc.Nos.1669 and 1670/2022 dated 16.06.2022. Subsequently, the respondent No.7 obtained fake house permissions dated 29.06.2022 without any corresponding record in the Gram Panchayat.

14. It is also contended that one Manda Narsa Reddy obtained three fake ownership certificates dated 21.01.2021 showing H.No.1-3/A/3 to 5, each admeasuring 200 sq. yds., without any survey number, layout plan or plot particulars, and sold them to one Mohd. Imtiyaz under Doc.Nos.1631 to 1633/2022 dated 10.06.2022, who sold them to respondent No.7 under Doc.Nos.1672 to 1674/2022 dated 16/17.06.2022. Accordingly, the respondent No.7 then procured three more fake house permissions dated 29.06.2022, again without any entry in the Gram Panchayat records or any online application.

15. It is further contended that none of the permissions were applied for online or recorded in the Gram Panchayat registers, rendering them *ex-facie* illegal and void. It is contended that the alleged permissions were concocted and were allegedly obtained in collusion with the then Secretary at a time when the husband of respondent No.7 was serving as Upa-Sarpanch, from which position he was removed by a no-confidence motion with effect from 12.09.2022.

16. It is also asserted by the learned counsel that the respondent No.7 has been repeatedly approaching this Court on technical grounds to stall and restrain action against her unauthorized construction over the School playground/Government land. It is submitted that respondent No.7 first filed W.P. No.43169 of 2022 challenging the Gram Panchayat Resolution dated 04.11.2022, whereby six house permissions dated 29.06.2022 and the ownership certificates were cancelled. Without even awaiting the show-cause notice from the Gram Panchayat, respondent No.7 secured an interim order dated 07.12.2022 directing the authorities not to take coercive steps, though her case lacked merits.

17. Thereafter, respondent No.7 filed W.P. No.4900 of 2023 alleging that the Gram Panchayat had issued notices dated 24.01.2023 and 27.01.2023 for her illegal constructions in the School playground, and that the District Collector had also issued notice dated 10.02.2023 in

the appeal filed by the legal heirs of the land donors and villagers, by suppressing the true facts, respondent No.7 succeeded in securing an interim stay on 21.02.2023.

18. It is asserted that though the donated playground lands in Sy.Nos. 638/A/1, 638/A/2, and 638/AA are duly recorded as School/Educational Institution/Government land in the Dharani portal, the respondent No.7 has trespassed/encroached upon them with the aid of musclemen which is impermissible and illegal. Further, the District Collector, upon consideration of the reports submitted by the Mandal Panchayat Officer, Domakonda, and the Divisional Panchayat Officer, Kamareddy, passed orders dated 23.02.2023 in the appeal, declaring that the house permissions dated 29.06.2022 are *void ab initio*. It is contended that no writ petition has been filed to challenge the said order till date. It is further asserted that none of the registered sale deeds executed in favour of respondent No.7 or her predecessors contain any survey number, lay-out plan, or plot numbers, and that the purported records and certificates relied upon by respondent No.7 are fabricated and find no place in the Gram Panchayat or revenue records.

19. It is contended that the purpose of the donors in gifting the land for public use would be defeated if the alleged unauthorized constructions raised by respondent No.7 on the Government/School

playground are not halted and removed. Though the legal heirs of the donors and villagers had filed an appeal before the District Collector (Panchayat Wing), Kamareddy, who, by order dated 23.02.2023, held respondent No.7's activities *void ab initio* and directed the Gram Panchayat to act in accordance with law, no demolition has been undertaken, allegedly due to collusion between the Panchayat Secretary and respondent No.7.

20. It is contended that although the Gram Panchayat had issued show-cause notices dated 21.01.2023 to four individuals who had obtained fake ownership certificates dated 24.07.2020, 25.08.2020, and 21.01.2021, and no replies have been submitted, and despite this, the Panchayat Secretary has not revoked the said certificates, allegedly due to collusion with respondent No.7 and her husband. It is submitted that these certificates do not find place in the Gram Panchayat records, yet were utilized as the basis for executing various registered sale deeds in relation to subject property.

21. It is further asserted that respondent No.7 ultimately purchased plots admeasuring about 1100 sq. yds., without any survey number, lay-out plan, or plot numbers, rendering the transactions *void ab initio* and unenforceable; that neither respondent No.7 nor her vendors possess any title or lawful possession and nothing indicative of title or possession of respondent No.7 or her predecessors is reflected in any

records, including the Dharani portal, for the past 33 years and particularly from 1954-55.

22. It is contended that respondent No.7 has not pursued the alternative statutory remedy available upon revocation of the house permissions dated 29.06.2022, which she is alleged to have obtained through misrepresentation. It is submitted that the Gram Panchayat was therefore justified in passing the resolution dated 04.11.2022, and that respondent No.7, instead of awaiting the issuance of a show-cause notice, hastily approached this Court by filing W.P. No.43169 of 2022.

Contentions on behalf of respondent Nos.1 to 6

23. Learned Government Pleader contends that the cause of action in the present W.P. (PIL) No.17 of 2023 and in W.P.No.34686 of 2022 is entirely distinct as the petitioners are not parties to W.P.No.34686 of 2022 having not been served with its pleadings, and therefore cannot rely upon or refer to its contents. It is further asserted that the issue of removal of the Upa-Sarpanch is wholly unrelated to the question of title or possession over the School/Government land.

24. It is contended that one Sri K.Madhusudan Reddy and five others, have filed an appeal under Section 121 (1)(a) of the Telangana Panchayat Raj Act, 2018 (for short, 'TSPR Act, 2018') before the District Collector with a prayer to revoke/cancel the Construction

permissions of respondent No.7 issued by the Panchayat Secretary, Gram Panchayat Muthyampet and to demolish the structures over Sy.No.638, which corresponds to Sy.No.638/A/1 & 2 and Sy.No.638/AA of School area situated at Muthyampet of Domakonda Mandal. In this regard, it is submitted that, as per Section 121 (1) of the TSPR Act, 2018 an appeal shall lie to the District Collector.

25. The respondents contend, on the basis of the reports and remarks submitted by the Mandal Panchayat Officer, Domakonda, and the Divisional Panchayat Officer, Kamareddy, that respondent No.7 had not submitted any application either online or offline for grant of house construction permission before the Gram Panchayat, Muthyampet. It is stated that no permission order was ever issued in favour of respondent No.7 by the Panchayat Secretary, and that the only document available was a plan attested by the then Panchayat Secretary, which is not in accordance with the procedure prescribed under Section 114 of the TSPR Act, 2018.

26. It is further contended that the said plans were prepared by one Abdul Sattar, Surveyor-II, who is not authorized to prepare building plans exceeding 50 sq. mts, whereas all six plans pertaining to respondent No.7 exceed 100 sq. mts, rendering them invalid. Consequently, a show-cause notice was issued by the District Panchayat Officer, Kamareddy for cancellation of licence, and in

response to the notice, the said Surveyor submitted that the plans had been prepared by his assistant and that he had merely signed them, seeking to be excused. However, such explanation stood unacceptable. Therefore, the licence granted to him was cancelled by the District Panchayat Officer, Kamareddy, *vide* Proceedings No. A1/14/2021 dated 15.05.2023.

27. The respondents contend that, with respect to the alleged construction permissions claimed by respondent No.7, no documents including the application or entries in the inward register or any permission order ever issued in favour of respondent No.7 are available in the Gram Panchayat records.

28. It is further submitted that, in terms of Section 114 of the TSPR Act, 2018 read with Memo No.2204/CPR&RE/e-Panchayat/2018, dated 06.03.2019, building permissions are required to be processed through the online system and the applicant must obtain valid approval from the Gram Panchayat. The respondents assert that these statutory requirements were not complied with, in the present case, and therefore no lawful building permission can be said to have been granted to respondent No.7.

29. The respondents further contend that the revenue records clearly demonstrate that the subject land forms part of

Government/School property and not private patta land. It is submitted that the Tahsildar, Domakonda Mandal, in his report, has certified the following particulars:

- i. That the pahani entries for the years 1992-93, 2011-12, 2015-16, and 2016-17 reflect that in Sy.No.638/AA, an extent of Ac.1.10 gts stands recorded in the pattadar column in the name of M. Anjaiah S/o Ramkistaiah, while the same land is simultaneously recorded as School Building in the Anubhavadaru (enjoyment) column
- ii. That the online pahani also records the said extent of Ac.1.10 gts in Sy.No.638/AA as belonging to an Educational Institution under Notional Khata No. 20001602
- iii. That in respect of Sy. No. 638/A, the pahani entries for the years 2011-12, 2015-16, and 2016-17 show an extent of Ac.1.01 gts in the names of (1) K. Venkatram Reddy, (2) Merugu Hanmadlu, and (3) Muttagari Hanmagoud. However, the updated online pahani for the year 2020-21 records Sy.No.638/A/1, an extent of Ac.0.21 gts, as an Educational Institution under Notional Khata No.20001602, while Sy. No. 638/A/2, an extent of Ac.0.20 gts, is recorded as Panchayat Raj Road (PR Road) under Notional Khata No. 20001308.

30. The respondents contend that an appeal under Section 121(1) of the TSPR Act, 2018 was filed challenging the alleged building permission of respondent No.7, pursuant to which notice was issued calling upon the respondent No.7 to produce supporting documents.

Respondent No.7 submitted certain documents on 13.02.2023, and the appeal was heard on 17.02.2023. Upon scrutiny of the documents and the Gram Panchayat records, it was found that no valid permission order was ever issued to respondent No.7, no application or entries existed in the records or online system, and that the house numbers claimed by her were obtained by misrepresentation in collusion with the then Panchayat Secretary. It is further submitted that, as per the Tahsildar's report, the subject land is recorded as belonging to an Educational Institution. Consequently, Appeal No.A3/65/2023 was disposed of on 23.02.2023, holding that no valid permission order had ever been issued to respondent No.7; that no entries supporting such permission were traceable in the Gram Panchayat records or in the online system, and that the Junior Panchayat Secretary had acted in collusion by inserting his signature on the plan and endorsing that "permission is accorded to new house as per Plans".

31. The respondents contend that respondent No.7, in collusion with the then Junior Panchayat Secretary, secured signatures on the building plans without obtaining any lawful permission, thereby circumventing the mandatory approval of the District, Town and Country Planning Officer required for constructions exceeding 300 sq. meters. That wherein in the present case, the cumulative plinth area

of the plans signed (636.20 sq. meters/760.88 sq. yards) clearly reflects such collusion and deliberate misrepresentation and the incompetency of the Surveyor and the Junior Panchayat Officer to approve the permission.

32. It is also contended that, pursuant to the directions of this Court dated 09.10.2023, the Assistant Director (FAC), Central Survey Office, conducted a detailed survey in Sy.Nos.638/A/1, 638/A/2 and 638/AA of Muthyampet Village, Domakonda Mandal, wherein the Educational Institution was situated. The findings of the said survey report have been extracted as under:

S.No	Sy.No	Extent (Ac-Gts)	Classification	Pattadar/ Enjoyer	Remarks
1	638/A	1-01	Patta	1. Katipally Venkat Ram Reddy 2. Merugu Hanumaiah, S/o Kantaiah 3. Muthagani Hanma Goud, S/o Rama Goud	Purchasers with equal share of Ac.0-13.66 Gts to each (total Ac.1-01 Gts.)
2	638/AA	1-10	Patta	Anjaiah, S/o Ramakrishataiah	Donor who donated orally without any specification to whom he donated
3	638/E	2-28	Patta	1. Armal Salu, S/o Venkateshaiah 2. Lalithaiah, S/o Venkateshwar	Equal share of Ac 01-14 Gts each (total Ac.2-28 Gts)
4	638/EE	1-37	Patta	Banala Balaiah, S/o Narsingh	
	Total	6-36			

Further, the Pahanis from the year 1968-69 to 2015-16 is extracted as under:

Year	Sy.No	Extent	Classification	Pattadar	Enjoyer
1968-1969	638/AA	1-10	Patta	Anjaiah, S/o Rama- krishataiah	Govt. School
1971-1972	-do-	-do-	-do-	-do-	Govt. School & Road
1980-1981	-do-	-do-	-do-	-do-	Abadi
2000-2001	-do-	-do-	-do-	-do-	Govt. School
2008-2009	-do-	-do-	-do-	-do-	-do-
2013-2014	-do-	-do-	-do-	-do-	-do-
2015-2016	-do-	-do-	-do-	-do-	-do-

33. Respondents further contend that during the course of survey, the authorities initially identified Sy No. 638 with the aid of the village map and copies of the tippons. Upon verification, it was observed that, as per the village map, two cart tracks are shown passing through the survey area and intersecting at a junction. However, on ground, only the North-South and eastern-side roads presently exist, while the western cart track appears to have been merged into the adjoining fields, and an alternative road is now existing on the northern side of the school premises.

34. It is further submitted that the link documents produced by the respondent No.7, do not tally with the entries in the Pahanis, on the basis of which the genuine claim of the parties cannot be determined based solely on the furnished documents. Further, the land area

mentioned as Ac.2-11 gts, and the area recorded in the Pahanis and Khasra as Ac.1-10 gts, cannot be conclusively established, as no notified boundary measurements exist for the subject land, which is attributable to the fact that the land was originally donated orally, without any specific boundaries or measurements being recorded.

35. It is submitted that pursuant to the order dated 09.10.2023, a survey was conducted by the Assistant Director (FAC), S&LR, Hyderabad on 01.11.2023, and certain objections have been raised to the survey report dated 04.11.2023. The petitioner contends that the Classer Register reflects sub-divisions of Sy.No.638 with a total extent of Ac.6.38 gts, but the Assistant Director failed to verify the existing Dharani entries and did not record a finding regarding the extent of Ac.2-11 gts. It is also asserted that six Pahanis, from 1968-69 to 2015-16, consistently record Sy.No.638/AA, admeasuring Ac.1-10 gts, as Government school land.

36. It is also asserted by the respondents that Rule 28 of Telangana Gram Panchayat Land Development (Layout and Building) Rules, 2002 r/w G.O.Ms.No.67, dated 26.12.2002 expressly empowers the authorities to withdraw permissions where such permissions are found to have been obtained by fraud or by misrepresentation of material facts. Accordingly, the Gram Panchayat, through its Resolution dated 04.11.2022, lawfully revoked the ownership certificates and house

permissions issued to respondent No.7, which permissions the respondent No.7, acting in concert with her husband, secured through fraudulent means for which acts the respondent No.7 is liable for appropriate penal and administrative action.

Contentions on behalf of respondent No.7

37. Learned counsel contends that the petitioners' claim regarding the extent of the school land is factually unsustainable, that though an extent of Ac.2.11 gts is asserted, the Dharani Record clearly reflects that the existing school building is situated only within Ac.1.31 gts, and that the remaining extent pertains to private ownership. The respondent No.7 contends that there is no historical or contemporaneous revenue record indicating that the alleged donor's name was ever recorded, nor is there any Faisal Patti or other supporting revenue documentation evidencing that the school land measures Ac.2.11 gts.

38. It is contended that, pursuant to the survey conducted by the Inspector of Survey, District Land Surveys and Records Office, a report dated 17.10.2022 in File No. A1/839/2022 was issued, wherein the following findings were recorded:

- i. The total extent of Sy.No.638 is Ac.6.36 gts.
- ii. The Setwar/Cluster Register is not available.

- iii. As informed by the Tahsildar, Domakonda, the Pahani entries show patta land in Sy.No.638.
 - iv. Though it is stated that out of Ac.6.36 gts, Ac.1.10 gts is earmarked for the school and 20 gts for a road, there is no supporting record or evidence for these particulars. There is no supplementary Sethwar.
 - v. No sub-division has been effected in respect of the school land, and where land is not subdivided, specific extents cannot be reflected. Consequently, the alleged school land of Ac.1.10 gts has no defined boundaries.
 - vi. On physical measurement, the Inspector found that the school is in occupation of only 19 gts.
 - vii. The village plan shows cart tracks running East-West and North-South.
 - viii. Currently, within Sy.No.638, certain houses have been constructed and roads exist.
 - ix. It is further submitted that O.S.No.183 of 2022, along with I.A.No.538 of 2022, filed by Smt. M. Roja (respondent No.7 herein), is pending before the Hon'ble Junior Civil Judge, Kamareddy, and the matter is under adjudication.
- 39.** It is submitted that the report of the Inspector of Survey is clear, comprehensive, and conclusive, and therefore no further survey, as sought by the petitioners, is either warranted or justified. It is further contended that the dispute relating to the subject land is already

pending adjudication before the competent civil Court, and any parallel exercise before this Court would be unwarranted.

40. Respondent No.7 additionally submits that there is no substantial or contemporaneous evidence to establish the existence of any school land or playground to the extent now claimed by the petitioners. The alleged records relied upon are asserted to be recently created, particularly around the year 2017 at the time of implementation of the Dharani Portal, and therefore lack evidentiary value.

41. It is submitted that the District Collector has acted in violation of the subsisting orders of this Court in I.A.No.1 of 2023 in W.P.No.4900 of 2023, wherein the interim order dated 21.02.2023 continues to remain in force. Notwithstanding the same, the District Collector proceeded to pass the impugned order dated 23.02.2023 setting aside the house permissions, which amounts to wilful disregard of the orders of this Court. It is therefore contended that the said order is without jurisdiction and is liable to be ignored.

42. Respondent No.7 further submits that W.P. (PIL) is not maintainable, as the subject land does not pertain to any government property, nor has Respondent No.7 encroached upon government land. It is contended that the petition has been instituted solely out of political rivalry, particularly in view of the disqualification of the

respondent No.7's husband, from the post of Upa-Sarpanch. In these circumstances, the present writ petition does not satisfy the essential requirements of a Public Interest Litigation and is liable to be dismissed at the threshold.

43. We have taken note of the respective contentions urged.

Consideration by this Court

44. Upon a careful examination of the rival pleadings, the documents placed on record and the submissions advanced, this Court finds that the central questions requiring adjudication is:

- I. Whether respondent No.7 has established that she legitimately obtained the Gram Panchayat permission for construction of RCC residential building in the subject property so as to legitimately undertake construction thereon?
- II. Whether the RCC residential building permissions were granted in strict compliance with due process of law?
- III. Whether the private respondent can invoke the PIL jurisdiction to protect Government property in which no private interest subsists and in which the petitioners have no enforceable right, when the controversy involves serious and complex issues of civil title, boundary identification, alleged fabrication and manipulation of Panchayat records, and claims of encroachment upon land stated to belong to a Government educational institution?

45. Insofar as W.P.No.34686 of 2022 is concerned, this Court is not inclined to enter into any detailed discussion in respect of the same.

The term of the petitioner therein, Sri M.Sirish Goud, (Upa-Sarpanch) has already expired, and consequently, the cause of action does not survive. The term of the said petitioner having already lapsed, the question of the validity or otherwise of a No-Confidence Motion becomes redundant and any adjudication thereon would be merely academic and inefficacious. Thus, we deem it unnecessary to record any findings or observations on the merits of the said writ petition.

46. Official reports and findings that are crucial and which emerge for consideration from the PIL and other Writ Petitions by this Court are dealt as under:

1. Report of Tahsildar, Domakonda Mandal: The said report recorded the following findings:

- i. The pahani entries for the years 1992-93, 2011-12, 2015-16, and 2016-17 in respect of Sy.No.638/AA record an extent of Ac.1.10 gts in the pattadar column in the name of M. Anjaiah S/o Ramkistaiah, while the Anubhavadaru (enjoyment) column consistently describes the land as School Building.
- ii. The online pahani likewise records the said extent of Ac.1.10 gts in Sy.No.638/AA as an Educational Institution under Notional Khata No.20001602.
- iii. The pahani entries for Sy.No.638/A for the years 2011-12, 2015-16, and 2016-17 reflect an extent of Ac.1.01 gts

standing in the names of K. Venkatram Reddy, Merugu Hanmadlu, and Muttagari Hanmagoud.

- iv. The updated online pahani for the year 2020-21 records Sy.No.638/A/1 (Ac.0.21 gts) as an Educational Institution under Notional Khata No.20001602 and Sy.No.638/A/2 (Ac.0.20 gts) as Panchayat Raj Road under Notional Khata No.20001308.

2. District Collector's order dated 23.02.2023: The said order recorded the following findings:

- i. The building permissions dated 29.06.2022 were held to be *void ab initio*.
- ii. No application seeking building permission was submitted, either online or offline.
- iii. No building permission order was issued in accordance with the prescribed procedure.
- iv. The subject land stands recorded as School land and not as private patta land.

3. Survey report dated 04.11.2023:

The Assistant Director, Survey & Land Records, in his survey report dated 04.11.2023, has confirmed that the structures raised by respondent No.7 are situated within Sy.No.638, which is recorded in the revenue records as School land.

4. Reports of the Mandal Panchayat Officer and the Divisional Panchayat Officer: The said report recorded the following findings:

- i. Respondent No.7 did not submit any application seeking building permission.
- ii. The attested plans were prepared by an unauthorized surveyor for constructions exceeding 100 square metres, without approval from the competent planning authority.
- iii. The alleged permissions were not processed through the mandatory online system, as prescribed under Memo dated 06.03.2019.

47. In this regard, this Court considers it appropriate to delineate and frame points for consideration arising in the matter, so as to facilitate a proper and orderly adjudication of the case.

I. Dispute as to violation of building permissions and statutory procedure

48. It is pertinent to note that the statutory requirement of submitting and processing applications for building permission through the online system has been wholly disregarded in the present case. Section 114 of the TSPR Act, 2018, read with Memo dated 06.03.2019, mandates that building permissions shall be granted only upon an online application and approval through the prescribed portal. The official records, including the reports of the Mandal Panchayat Officer and the Divisional Panchayat Officer, establish that respondent No.7 submitted no application, either online or offline, and no corresponding entry exists in the Gram Panchayat records or the

online system. Such non-compliance renders the alleged permissions legally *non est*.

49. Further, the so-called building permissions are founded solely on the attestation of plans by the then Panchayat Secretary, without issuance of any formal permission order or compliance with the statutory approval process. It is also evident that the plans were prepared by a surveyor who was not authorized to prepare plans for constructions exceeding 50 sq. mts, whereas all six constructions admittedly exceeded 100 sq. mts. The subsequent cancellation of the surveyor's licence confirms the invalidity of the plans and the lack of jurisdiction of the Panchayat Secretary to accord such approval.

50. It is to be noted that the ownership certificates and building permissions relied upon by respondent No.7 are unsupported by any contemporaneous or corresponding entries in the Gram Panchayat registers or the online portal. The official reports placed on record categorically state that these documents were brought into existence without any underlying application or lawful process and were issued in collusion with the then Panchayat Secretary. Such documents, having no foundation in official records, are liable to be treated as fabricated and incapable of conferring any legal right or entitlement upon respondent No.7.

51. It is also to be noted that the revenue records available on the Dharani portal, which remain unchallenged, consistently classify the subject land as 'Prohibited Property – Government/Educational Institution.' The said classification statutorily bars alienation, transfer, or private construction on the land. The survey report dated 04.11.2023 confirms that respondent No.7's structures fall within Sy.No.638, recorded as School land. In view of these official records, such construction is impermissible and illegal.

II. Dispute as to lack of certitude in property description affecting valid conveyance

52. It is pertinent to note that the six registered sale deeds dated June 2022, on which respondent No.7 predicates her claim of ownership, suffer from significant and foundational defects that go to the very root of title. None of these instruments/documents that are essential to confer ownership or any lawful right disclose the mandatory particulars required for identification of the immovable property allegedly conveyed, such as the survey number, definite boundaries, approved layout, or any link documents evidencing a continuous and lawful chain of title from the original owner to the vendor. The absence of such particulars is not a mere procedural lapse, it strikes at the statutory requirement under Section 54 of the Transfer of Property Act, 1882 which mandates that the property

sought to be transferred must be clearly and unequivocally identifiable in order to constitute a valid conveyance, and fall well short of the legal standards governing transfer of immovable property.

53. It is settled principle that a valid conveyance under Section 54 of the Transfer of Property Act, 1882 requires that the property sought to be transferred be described with reasonable certainty. In the present case, none of the sale deeds disclose the survey number, precise boundaries, approved layout, or any link documents establishing a lawful chain of title, and such omissions are not minor defects but go to the core of conveyance, as an unidentified or unidentifiable property cannot be transferred in law.

54. The Hon'ble Supreme Court in the case of ***Mahnoor Fatima Imran and Others v. Visweswara Infrastructure Private Limited and others***¹ has observed that it is trite law that registration does not confer ownership unless the seller/vendor had a valid title to begin with.

55. In ***K.Gopi v. Sub-Registrar and others***² the Hon'ble Apex Court while discussing the interplay between property registration and ownership has held as under:

15.The execution and registration of a document have the effect of transferring only those rights, if any, that the executant

¹ 2025 SCC OnLine SC 1062

² 2025 SCC OnLine SC 740

possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.

(emphasis supplied)

56. It is also to be noted that the impugned sale deeds, lacking essential statutory and factual particulars, do not and cannot operate to transfer ownership of any part of Sy.No.638 or its alleged subdivisions in favour of respondent No.7. Consequently, the alleged sale deeds cannot confer any enforceable right upon respondent No.7 to claim title, possession, or the authority to raise construction on the subject land.

57. It is pertinent to note that the alleged registered sale deeds upon which respondent No.7 seeks to predicate her claim of title, are vitiated by a fundamental and incurable defect. The registered sale deeds in question describe the alleged property merely by reference to hastily assigned municipal house numbers such as "1-3/A", in the neighborhood while conspicuously omitting the survey number, which is fatal in the context of revenue lands where survey number identity constitutes the primary mode of land description. A sale deed that fails to identify the property with certainty is void for uncertainty, as certainty of subject-matter is an essential element of a valid transfer. However, in the present case, no material whatsoever has been placed on record to render the description capable of being made certain.

Therefore, said sale deeds cannot confer title or support any claim of respondent No.7 to the subject property.

58. It is to be noted that the petitioners have placed before this Court a consistent and uninterrupted chain of revenue records which strongly support the title of the School/Educational Institution over the subject land, whereas on the other hand the respondent No.7 failed to produce any credible title-related documentation. The pahanis produced by the petitioners, commencing from the year 1954-55 and continuing through subsequent decades, uniformly record Sy.No.638 and its relevant sub-divisions as property belonging to the School. These entries not only reflect the donors but also consistently show the total extent of Ac.2.11 gts as recorded in the name of the School.

59. Further it will not be out of the context to note that over the span of nearly seventy years, there has not been a single mutation in favour of the respondent No.7 or her alleged vendors. The absence of any such alteration in the revenue records, despite the long passage of time, discredits the claim of title or possession of the respondent No.7 or her predecessor(s). The consistent entries reflecting the government School in the revenue records lends strong credence to the continuity, authenticity, and reliability of the Government/School's title as recorded in official documents.

III. Evidentiary weight and suppression of unchallenged Dharani portal entries

60. It is pertinent to note that the entries reflected in the Dharani Portal carry substantial legal significance in the present dispute. The entire extent of Ac.2.11 gts in Sy.No.638 is categorised therein as 'Prohibited Property- Government/Educational Institution', a classification that statutorily restricts any transfer, alienation, or registration in favour of private individuals without prior governmental sanction. These entries, which form part of an official, technology-driven and statutorily recognised revenue record, remain wholly unchallenged by the respondent No.7 or by any of her alleged vendors.

61. It is to be noted that the revenue entries of this nature particularly those marking land as prohibited and belonging to the Government or an Educational Institution carry a presumption of validity unless specifically challenged. When no such challenge is mounted, these entries operate with a degree of finality and bind all concerned. Accordingly, the absence of any mutation, title document, correction proceedings or contrary administrative order eliminates any basis for asserting private ownership in favour of respondent No.7 and firmly indicates that the land continues to vest in the School. Therefore, the unassailed Dharani portal entries substantially fortifies the petitioners' position and correspondingly weakens the respondent

No.7's assertion of title or right to undertake construction on the subject land.

62. It is pertinent to note that respondent No.7 has failed to disclose the Dharani portal entries which categorically classify the subject land as Prohibited Property, which directly negate the respondent No.7's claim of ownership. The omission to place such crucial material before this Court amounts to suppression of facts that go to the root of the matter. The Hon'ble Supreme Court in **K.D. Sharma v. Steel**

Authority of India Limited and others³ has held as under:

24. The jurisdiction of the Supreme Court under Article 32 and of the High Court under Article 226 of the Constitution is extraordinary, equitable and discretionary. Prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the Writ Court must come with clean hands, put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. If there is no candid disclosure of relevant and material facts or the petitioner is guilty of misleading the Court, his petition may be dismissed at the threshold without considering the merits of the claim.

Thus, the deliberate non-disclosure of the Dharani entries by the respondent No.7 is a serious infraction that strikes at the very maintainability of her claim and renders her submissions unworthy of any equitable, protective or discretionary relief in writ jurisdiction.

³ MANU/SC/3371/2008 = (2008) 12 SCC 481

63. It is pertinent to note that the District Collector's reasoned order dated 23.02.2023 materially strengthens the petitioners' case and has a direct bearing on the present controversy. Upon conducting a comprehensive enquiry, the Collector categorically held that the building permissions dated 29.06.2022, on which respondent No.7 places reliance, were *void ab initio*. The enquiry established that no application for building permission was ever submitted by the respondent No.7 either through online or offline modes; that the Gram Panchayat maintained no corresponding or supporting records; that the attestation of building plans by the Panchayat Secretary was irregular and without authority; and that the subject land stood recorded as School land, thereby negating any claim of *locus standi* for the respondent No.7 to undertake construction. These findings, forming part of a statutory administrative determination, have not been challenged by respondent No.7 in any manner known to law and have, therefore, attained finality.

64. It is also significant to note that the respondent No.7's failure to pursue any of the legally available remedies under the Telangana Panchayat Raj Act, against the cancellation of building permission or against the Gram Panchayat Resolution dated 04.11.2022, underscores the absence of *bona fides* in approaching this Court under Article 226 of the Constitution. In these circumstances, the

unassailed findings of the Collector's order, coupled with the respondent No.7's non-exercise of statutory remedies, substantially erode the credibility of the respondent No.7's claim and operate as a strong factor against the grant of any equitable or protective relief in the exercise of writ jurisdiction.

65. It is also to be noted that the respondent No.7's reliance on an *ex parte* injunction granted in I.A.No.538 of 2022 in O.S. No.183 of 2022 is wholly untenable and does not aid her case in any manner. The suit was instituted solely against private individuals without impleading the Government, the School/Educational Institution, the Gram Panchayat, or any of the authorities who are the recorded owners of the land as per the revenue records and Dharani portal. In a dispute pertaining to land that stands recorded as Government/School property, these authorities constitute indispensable and necessary parties.

66. It is a cardinal rule of Civil Procedure, that no order or decree passed in the absence of necessary parties can bind them or operate to their detriment. The similar view was also reiterated in ***Mumbai International Airport Private Limited v. Regency Convention***

Centre and Hotels Private Limited and others⁴ which is extracted hereunder:

8.A 'necessary party' is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the Court. If a 'necessary party' is not impleaded, the suit itself is liable to be dismissed. A 'proper party' is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in disputes in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.

Therefore, the *ex parte* injunction obtained by the respondent No.7 cannot create any enforceable rights against the Government or the School, as the order, having been obtained without notice to the true stakeholders, is incapable of conferring any legal shield or protection to the respondent No.7.

67. On perusal of the material placed on record it is to be noted that immediately upon securing interim protection dated 07.12.2022 and 21.02.2023 in W.P.Nos.43169 of 2022 and 4900 of 2023, the respondent No.7 proceeded to continue and, as alleged by the petitioners, substantially intensified construction activity on the subject land. Such conduct raises a serious concern that interim

⁴ MANU/SC/0427/2010

orders of this Court were being employed as a shield to effectuate what would otherwise constitute an impermissible and irreversible encroachment upon Government/School land.

68. The Hon'ble Supreme Court in the case of **Goa State Coop. Bank Limited v. Krishna Nath A.**⁵, held as under:

22. It is a settled law that when there is stay of proceedings by court, no person can be made to suffer for no fault on his part and a person who has liability but for the interim stay, cannot be permitted to reap the advantages on the basis of interim orders of the court. In Amarjeet Singh v. Devi Ratan [Amarjeet Singh v. Devi Ratan, (2010) 1 SCC 417 : (2010) 1 SCC (L&S) 1108], it was held that no person can suffer from the act of court and unfair advantage gained by a party of interim order must be neutralised. The court should never permit a litigant to perpetuate illegality by abusing the legal process. It is the bounden duty of the court to ensure that dishonesty and any attempt to abuse the legal process must be effectively curbed and the court must ensure that there is no wrongful, unauthorised or unjust gain for anyone by the abuse of process of the court. No one should be allowed to use the judicial process for earning undeserved gains or unjust profits. The object and true meaning of the concept of restitution cannot be achieved unless the courts adopt a pragmatic approach in dealing with the cases....

(emphasis supplied)

69. This Court deems it necessary to underscore that a School Playground is not a spare or optional facility, but an indispensable component of the educational ecosystem. It is integral to the holistic development of students and is protected under the ambit of Articles 21 and 21-A of the Constitution, which encompass not merely the right to education but the right to a safe, healthy and conducive learning environment. The Sketch Map (Ex. P-10), clearly delineates

⁵ (2019) 20 SCC 38

the demarcated area of the School Play Ground and depicts the encroachment by the respondent No.7. The respondent No.7's unauthorised commercial structures/shops aligned in the middle of the playground are shown intruding into the very heart of the land earmarked for educational purposes. This Court also takes note of the fact that the land in question was originally donated by benevolent individuals expressly for the use of the School and has, for several decades, been continuously utilised as a playground by successive batches of students. Thus, the respondent No.7's attempt to convert such a donated public asset into a private commercial establishment not only constitutes a physical trespass but also strikes at the moral and legal foundations of public trust.

Conclusion

70. In light of the foregoing discussion and the findings recorded hereinabove, this Court is constrained to conclude that the respondent No.7 has failed to demonstrate any semblance of lawful right, title, or interest over the subject property; that the building permissions relied upon by her are devoid of legal sanctity, and it is evident that her vendors themselves lacked any transferable title.

71. Accordingly, this Court is of the considered view that the land in Sy Nos. 638/A/1, 638/A/2 and 638/AA, admeasuring Ac.2.11 gts at Muthyampet Village, is Government land reserved as a School

Playground. The claim of respondent No.7 to any portion thereof is declared illegal, null and void.

72. In the result, W.P.No.43169 of 2022 and W.P.No.4900 of 2023 are dismissed. Interim order dated 07.12.2022 passed in W.P.No.43169 of 2022 and interim order dated 21.02.2023 passed in I.A.No.1 of 2023 in W.P.No.4900 of 2023 stand vacated. W.P.No.34686 of 2022 is closed.

73. The Writ Petition (Public Interest Litigation) is allowed with the following directions:

- i. Respondent Nos.1 to 3 shall ensure demolition of all unauthorized constructions, including the shops raised by respondent No.7, on the said playground. The exercise shall commence within 8 (eight) weeks and be completed within 12 (twelve) weeks from the date of this order.
- ii. The entire cost incurred for the demolition shall be recovered from respondent No.7 as arrears of land revenue.
- iii. Respondent Nos.2 and 3 shall cause demarcation of the land through the Assistant Director, Survey & Land Records, Kamareddy, and thereafter construct a compound wall/boundary enclosing the entire extent of Ac.2.11 gts. This shall be completed within 12 (twelve) months and a compliance report shall be filed before this Court.

iv. The Principal Secretary, Panchayat Raj Department, shall initiate disciplinary action against Sri Raj Kumar, the then Panchayat Secretary, for issuing fraudulent ownership certificates and permissions, if already not taken. A report of action taken shall be submitted to the Registrar General of this Court within 6 (six) months months.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

//TRUE COPY//

**SD/- L. VIJAYA LAXMI
ASSISTANT REGISTRAR**

SECTION OFFICER

**One Fair Copy to the Hon'ble THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
(For His Lordships Kind Perusal)**

**and
One Fair Copy to the Hon'ble SRI JUSTICE G.M. MOHIUDDIN
(For His Lordships Kind Perusal)**

To,

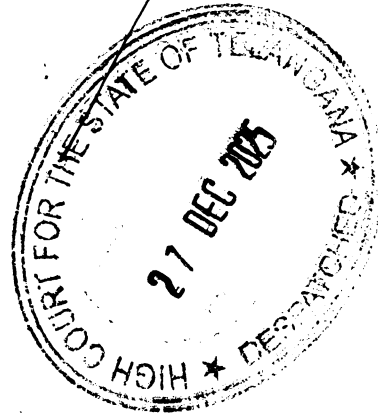
1. The Principal Secretary, Panchayat Raj Dept., Secretariat, Hyderabad, State of Telangana.
2. The Principal Secretary, Education Dept., Secretariat, Hyderabad, State of Telangana.
3. The District Collector, Kamareddy District.
4. The District Panchayat Officer, Kamareddy.
5. The District Educational of Officer, Kamarddy District.
6. The Panchayat Secretary, Gram Panchayat, (Vill) Muthhyampet, (M) Domakonda, Dist. Kamareddy.
7. 11 LR Copies
8. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
9. The Secretary, Telangana Advocates Association, Library, High Court Buildings, Hyderabad.

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10. One CC to SRI K.RAVI MAHENDER, Advocate [OPUC]
 11. One CC to SRI KUNCHA SUNIL GOUD, Advocate [OPUC]
 12. One CC to SRI ASADULLA SHAREEF, Advocate [OPUC]
 13. One CC to Ms. K.SARALA MAHENDER REDDY , Advocate [OPUC]
 14. One CC to SRI K.PRADEEP REDDY, SC FOR GRAM PANCHAYAT [OPUC]
 15. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court for the State of Telangana at Hyderabad [OUT]
 16. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
 17. Two CCs to GP FOR SCHOOL EDUCATION, High Court for the State of Telangana at Hyderabad [OUT]
 18. The Registrar General , High Court for the State of Telangana at Hyderabad
[By Spl Messenger]
 19. Two CD Copies


BSR
GJP

HIGH COURT

DATED: 18/12/2025



COMMON ORDER

**WP(PIL).No.17 of 2023; W.P.Nos.34686 of 2022,
43169 of 2022 and 4900 of 2023**

**ALLOWING THE W.P.(PIL) No.17 of 2023;
DISMISSING THE W.P.Nos.43169 of 2022 & 4900 of
2023 & CLOSING THE W.P.No.34686 of 2022,
WITHOUT COSTS**

37
Asu
28/12/25