

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

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

WRIT APPEAL NO: 167 OF 2026

Writ Appeal under clause 15 of the Letters Patent against the order Dated 06/10/2025 in writ Petition No. 22627 of 2020 on the file of the High Court.

Between:

Mohd. Yousuf, S/o. Late Mohd. Hyder Ali, Aged about- 65 years, Occ- Business,
R/o. H.No. 8-3-168/P, Opp ESI Hospital, Erragadda, Hyderabad

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad
2. The District Collector, Hyderabad.
3. The Tahsildar, Khairathabad Mandal, Hyderabad.
4. The Greater Hyderabad Municipal Corporation, Hyderabad, Rep. by its Commissioner, Tank Bund Road, Hyderabad.

...RESPONDENTS

IA NO: 3 OF 2026

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 restrain the respondent authorities from interfering and attempting to dispossess the petitioner from his owned and possessed property bearing door No. 1613P on plot No. 5 admeasuring 272 Sq. yards situated Opp- ESI Hospital plot title and possession with registered documents existing since more than 50 years, without authorization under law and sanction of law.

Counsel for the Appellant : SRI M.SALEEM

**Counsel for the Respondents No.1to3 : SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

**Counsel for Respondent No.4 : SRI G.MADHUSUDHAN REDDY, SC FOR GHMC
The Court made the following: JUDGMENT**

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 APPEAL No.167 of 2026

Dated: 23.02.2026

Between:

Mohd. Yousuf

... Appellant

And

The State of Telangana,
Rep., by its Principal Secretary, Revenue Department,
Secretariat Buildings, Hyderabad and 3 others.

... Respondents

JUDGMENT:

Mr. M. Saleem, learned counsel for the appellant.

Mr. Muralidhar Reddy Katram, learned Government Pleader for
Revenue appears for respondent Nos.1 to 3.

Mr. G. Madhusudhan Reddy, learned Standing Counsel for the
Greater Hyderabad Municipal Corporation appears for respondent No.4.

2. House No. 8-3-168/P on Plot No.5 measuring 272 square yards
situate opposite to Employees' State Insurance (ESI) Hospital, Erragadda,
is being claimed by the appellant by virtue of a sale deed executed by his
vendor in the year 2003. According to the appellant, his vendor has filed an

application of Kum Padiabai Abnam before the Tahsildar upon which a No Objection was issued stating that the land with Municipal No.8-3-168 is a patta land belonging to one Narayana Rao and Ranga Rao Padabai Urbain, who succeeded Plot No.5 from Sri Suryanarayana Rao under sale deed No.347 of 1972. It is further stated that the applicant can alienate the land as it is not a Government land and the Government has no objection.

3. However, as per the stand of the respondent State the said land is recorded as "G-Hospital". Though the appellant had applied for regularization under G.O.Ms.No.166, dated 31.08.2008 for transfer of rights, but the District Level Committee rejected the application on the ground that the said land was useful for public purpose vide file No.R2/9827/2010. Earlier proceedings under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, "the Act") was issued on 31.03.2012, but the appellant could not bring any valid document in support of his claim. The proceedings ended against the appellant. The appeal bearing No.B/1400/2017 filed by the appellant before the Revenue Divisional Officer, as directed by the High Court in W.P.No.13492 of 2010, was dismissed.

4. According to the respondents, the appellant unauthorizedly continued to occupy the said land opposite to ESI Hospital, S.R. Nagar,

Erragadda, which falls in T.S.No.1, Block-D, Ward-7 correlated Sy.No.127 of BK Guda Village, Khairatabad Tahsil is a Government land. The application for regularization was earlier rejected by the District Level Committee.

5. The appellant is seeking declaration that the respondent authorities interference in his possession and title over the subject property is illegal, arbitrary and in violation of principles of natural justice. Interestingly, the order of the appellate authority has not been challenged. The learned Writ Court considered the stand of the parties and dismissed the writ petition holding *inter alia* as under:

“17. Having heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue, and the learned Standing Counsel for the 4th respondent, this Court is of the considered opinion that the petitioner has been unsuccessful in obtaining relief despite filing multiple writ petitions seeking different reliefs in respect of the same subject property.

18. In view of the counter affidavit filed by the 3rd respondent, wherein it is stated that the official respondents have not attempted to dispossess the petitioner without following due process of law, and without making any observations regarding the petitioner's possession or dispossession from the subject property, this Court deems it appropriate to grant liberty to the petitioner to make a detail representation before the official respondent/competent authority, along with original documents, if any, to substantiate his claim over the property, as a last opportunity, since his earlier application for regularization has already been rejected by the District Level Committee.

19. Upon filing such representation, 3rd respondent Tahsildar shall pass appropriate orders, strictly in accordance with law, as expeditiously as possible.

20. It is made clear that this Court has not expressed any opinion on the aspect of the petitioner's possession or entitlement to possession over the subject property."

Therefore, the appellant has preferred this appeal.

6. We have pointedly asked the learned counsel for the appellant to show any valid document showing title to the property. Apart from the No Objection Certificate said to have been issued by the Tahsildar in 1978 to the vendor of the appellant's father, no other document showing the recording of the land as a private land has been relied upon. The respondents state that it is a Sarkari land recorded in Column No.20 as "G-Hospital". The findings of the authority under the Act as upheld in appeal have not been assailed. Therefore, the learned Writ Court rightly dismissed the writ petition. The learned Writ Court at the end deemed it appropriate to grant liberty to the appellant to represent before the competent authority along with original documents to substantiate his claim since his earlier application for regularization was already rejected by the District Level Committee. However, we are of the view that if the orders of the land encroachment authority have become final, there is no purpose in giving liberty to the appellant to approach the competent authority for

regularization. His earlier application for regularization was already rejected by the District Level Committee.

7. In a case of claim for title over the property, the appropriate remedy subject to just exceptions such as limitation etc., would be to approach the competent Court of civil jurisdiction. On a conspectus of the facts and circumstances taken note above and on perusal of the impugned order and the materials placed, we therefore do not find any merit in this appeal calling for interference. Therefore, the present appeal is dismissed with the aforesaid liberty granted by this Court.

Miscellaneous applications pending, if any, shall stand closed.

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SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Telangana State, Hyderabad
2. The District Collector, Hyderabad.
3. The Tahsildar, Khairathabad Mandal, Hyderabad.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad, Tank Bund Road, Hyderabad.
5. One CC to SRI M.SALEEM, Advocate. [OPUC]
6. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
7. One CC to SRI G.MADHUSUDHAN REDDY, SC FOR GHMC. [OPUC]
8. Two CD Copies.

BSK
TKS

HIGH COURT

DATED:23/02/2026



JUDGMENT

WA.No.167 of 2026

**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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05/03/26
10.15