

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWELFTH DAY OF MARCH
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: 301 OF 2026

Writ Appeal under clause 15 of the Letters Patent against the Order dated 29/10/2025 in W. P. No.36810 of 2024 on the file of the High Court.

Between:

Y. Elizabeth Sharon, W/o B.B.Peter Prem Kumar , Age about 43 years , Occ Household, R/o H.No. 26-95/4/2, (old 26-104/17) Belram Nagar, Malkajgiri Medchal-Malkajgir District .

...APPELLANT

AND

1. Smt. S.Hemalatha, W/o Late BJ. Sanjeev Rao , Aged about 73 years, R/o H.No. 26-95/4/2, (old 26-104/17) Belram Nagar, Malkajgiri Medchal-Malkajgir District.
2. Union of India, Rep by its its Secretary , Ministry of law and Justice Legislative Department New Delhi .
3. The District Magistrate/District Collector, Medchal-Malkajgiri District Collectorate Complex Anthaipally Telangana -500078.
4. The Commissioner of Police, Rachakonda Commissionerate Neredmet, Medchal-Malkajgiri District.
5. The District Welfare Officer, WCD and SC Department Medchal-Malkajgiri District Anthaipally Telangana -500078.
6. B.Peter Prem Kumar, S/o Late BJ. Sanjeev Rao Aged about 45 years, Occ. private Service R/o H.No. 26- 95/4/2, (old 26-104/17) Belram Nagar, Malkajgiri , Medchal-Malkajgir District.

...RESPONDENTS

IA NO: 2 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 suspend the operation of the impugned order dated 29-10-2026 passed by the

learned single judge of this Honble Court , Honble Sri Justice Nagesh Bheemapaka n W.P. No.36810 of 2024 pending disposal of the main appeal, in the interest of justice.

Counsel for the Appellant : SRI K.ROHIT

Counsel for the Respondent No.1 : SRI C.M.R.VELU

**Counsel for the Respondent No.2 : SRI N.BHUVANGA RAO,
Dy.Solicitor General Of India**

Counsel for the Respondents No.3&4 : SRI MAHESH RAJE, GP FOR HOME

Counsel for the Respondents No.5 : Ms.K.MANI DEEPIKA, GP FOR WCDSCD

Counsel for the Respondents No.6 : --

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.301 of 2026

Dated: 12.03.2026

Between:

Y.Elizabeth Sharon

...Appellant

and

Smt. S.Hemalatha
and 5 others.

...Respondents

JUDGMENT:

Learned counsel Sri K.Rohit appears for the appellant.

Learned counsel Sri C.M.R.Velu appears for respondent No.1.

Sri N.Bhujanga Rao, learned Deputy Solicitor General of India,
appears for respondent No.2.

Sri Mahesh Raje, learned Government Pleader for Home, appears
for respondent No.4.

Ms. K.Mani Deepika, learned Government Pleader for Women, Children, Disabled and Senior Citizens Department, appears for respondent No.5.

2. The appellant is the daughter-in-law, who was respondent No.6 in W.P.No.36810 of 2024 preferred by respondent No.1 herein who is her mother-in-law. Respondent No.1 is facing number of cases instituted by the daughter-in-law i.e., a partition suit in respect of the property admittedly in the name of the mother-in-law, a criminal case under Section 498A of the Indian Penal Code, 1860, against her and the appellant's husband, a maintenance case and also a case under the Protection of Women from Domestic Violence Act, 2005. On the application of the mother-in-law under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, respondent No.3 herein – the District Magistrate/District Collector, Medchal – Malkajgiri District, passed an order on 20.12.2024 holding that the claim of the mother-in-law is not tenable in law. That order was subject to challenge in W.P.No.36810 of 2024. The learned writ court took into consideration the factual background prevailing between the parties and also the admission of the husband of the appellant that the property belongs to the mother-in-law of the appellant and finally, by the impugned

judgment dated 29.10.2025, set aside the order passed by respondent No.3 with a direction upon him to forthwith evict the appellant and her husband from the subject property with which the appellant is aggrieved and preferred the present appeal.

3. We have heard the learned counsel for the parties.

4. In the facts and circumstances noted by the learned writ court, we are of the view that if the order impugned in the writ petition suffered from errors in law and on fact, the right course ought to have been to remand the matter to respondent No.3 to pass a fresh order in accordance with law after hearing the parties. Dependent upon that, consequences would flow. However, the learned writ court has straightaway directed respondent No.3 to forthwith evict the appellant and her husband from the subject property which, according to us, is not the correct approach.

5. Therefore, we modify the direction in the impugned judgment at paragraph 10 and direct respondent No.3 herein to pass a fresh order in accordance with law after hearing the parties on the application made by respondent No.1 – mother-in-law, in respect of the subject property. Respondent No.3 shall endeavour to decide the application

expeditiously, preferably, within a period of six weeks from the date of receipt of a copy of this judgment.

6. The impugned judgment is modified to the aforesaid extent and the instant appeal is disposed of accordingly. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

**SD/- V.KAVITHA
DEPUTY REGISTRAR**

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SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Law and Justice Legislative Department New Delhi .
2. The District Magistrate/District Collector, Medchal-Malkajgiri District Collectorate Complex Anthaipally Telangana -500078.
3. The Commissioner of Police, Rachakonda Commissionerate Neredmet, Medchal-Malkajgiri District.
4. The District Welfare Officer, WCD and SC Department Medchal-Malkajgiri District Anthaipally Telangana -500078.
5. One CC to SRI K.ROHIT, Advocate. [OPUC]
6. One CC to SRI C.M.R.VELU, Advocate. [OPUC]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
8. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
9. Two CCs to GP for Women Development and Child Welfare Department, High Court for the State of Telangana at Hyderabad. [OUT]
10. Two CD Copies.

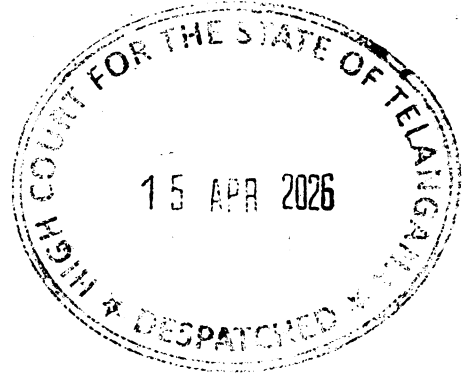
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HIGH COURT

DATED:12/03/2026



JUDGMENT

WA.No.301 of 2026

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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