

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

**THURSDAY, THE TWENTY THIRD DAY OF APRIL
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: 363 OF 2026

Writ Appeal under clause 15 of the Letters Patent Against Order Dated 02/02/2026 in WP.No. 9790 of 2018 on the file of the High Court.

Between:

1. Darapuneni Channaiah (died), (died) per LRs
2. Darapuneni Venkateshwara Rao, S/o. Late Darapuneni Chennaiah, Aged about 56 years, Occ. Business, R/o. Villa No. 58, Ramky Enclave, Near Station Road, Warangal District.

Presently Residing at. Flat No. 202, Sri Chakra Residency, Krishna Enclave, Thirumalgiri, Secunderabad.

3. Darapuneni Venugopal Rao, S/o. Late Darapuneni Chennaiah Aged about 55 years, Occ. Software Employee, R/o. 1202, West Palm Drive mount prospect, IL -60056, United States of America.

...APPELLANTS

AND

1. B. Venkata Narayana, S/o. Late Venkataiah, Aged about 58 years, Occ. Business, R/o. 5-11-655, KUC Road, Vidyaranyaपुरi, Hanumakonda, Warangal, Warangal District.
2. The State of Telangana, Rep., by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
3. The Kakatiya Urban Development, Authority (KUDA) Office at. Near Ashoka Hotel, Kancharakunta Hanumakonda, Warangal. Rep., by its Chairman.
4. The Vice Chairman, Kakatiya Urban Development Authority (KUDA) Office at. Near Ashoka Hotel, Kancharakunta Hanumakonda, Warangal.

...RESPONDENTS

I.A. NO: 1 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 order passed by the Learned Single Judge vide order dated 02/02/2026 in Writ Petition No. 9790 of 2018 Learned Single Judge, pending disposal of the Writ Appeal.

**Counsel for the Appellant : SRI K.V.BHANU PRASAD, Senior Counsel
rep., SRI KOTHAPALLI SAI SRI HARSHA**

Counsel for the Respondent No.1 : SRI T.BALA MOHAN REDDY

Counsel for the Respondent No.2 : SRI G.BHASKER, GP FOR MA & UD

Counsel for the Respondent No.3 : --

Counsel for the Respondent No.4 : SRI M.AJAY KUMAR, SC FOR KUDA

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.363 of 2026

DATED: 23.04.2026

Between:

Darapuneni Channaiah (died) per LRs & 2 others

... Appellants

AND

B.Venkata Narayana, S/o. Late Venkataiah & 3 others

... Respondents

JUDGMENT:

Heard Mr. K.V.Bhanu Prasad, learned Senior Counsel representing Mr. Kothapalli Sai Sri Harsha, learned counsel appearing for the appellants, Mr. T.Bala Mohan Reddy, learned counsel appearing for respondent No.1 and Mr. G.Bhaskar, learned Government Pleader for Municipal Administration and Urban Development Department appearing for respondent No.2.

2. Respondent Nos.5 and 6, who are the appellants, are aggrieved by the impugned order dated 02.02.2026 passed in W.P.No.9790 of 2018 whereby the cancellation of Layout Regularisation Scheme (LRS) permission dated 29.07.2013, granted to the respondent No.1/writ petitioner was set aside. The

reasons for cancellation of the LRS proceedings in favour of the writ petitioner contained in the impugned order dated 23.12.2017 are extracted hereunder:

“SC, KUDA, Warangal vide reference 8th cited sought legal opinion that Sri Bathini Venkata Narayana in his reply clearly stated in his explanation at page (2) 1st para that he alleged to have filed petition before the Hon’ble I Additional Senior Civil Judge, Warangal and there by the case has been restored to its original position by setting the exparte decree. As such it is undoubtedly a clear admission of the fact and the litigation and a dispute with regard to his vacant plot in question is herein for which LRS was granted to him is appear to be pending before the Civil Court. In this aspect he has already given his opinion in detail and again reiterating the stand taken by him that U/Sec. 31 of T.S.U.A. (D) Act, 1975 and also as per guidelines issued by the Government Under Rule 6(viii)(i) envisaged that in the event of site in question under Litigation/legal disputes regarding ownership and title, shall not be considered for according sanction of LRS and deserves to be cancelled.

In the light of the above stated circumstances and facts mentioned by Sri Bathini Venkata Narayana and Standing Counsel, KUDA, Warangal opinion the LRS permission granted vide Roc.No.LRS/C1/783/2012/1217, dated 29-07-2013 with L.R.S.No.304/2013 in favour of B. Venkata Narayana and others vide L.R.S.No. 304/2013 is hereby cancelled.”

3. The guidelines for regularisation of LRS provide that it shall not be applicable amongst others, in cases where the site is under litigation/legal dispute regarding ownership. It is not in dispute that a litigation instituted by the predecessor-in-interest of the appellants (Darapuneni Chennaiah) seeking a declaration of ownership and permanent injunction in respect of 306 Sq. Yds. in Sy.No.4/B, Lashkar Singaram Village, Hanamkonda Mandal, Warangal District (corresponding to extent covered by the 33 feet wide road shown by the writ petitioner in the LRS plan) vide O.S.No.462 of 2013 on the file of the I Additional Senior Civil Judge, Warangal was pending when the layout regularisation scheme approval was granted in favour of the writ petitioner. The

writ petitioner was the defendant No.1 in the said suit. Despite the pendency of the said suit, the Kakatiya Urban Development Authority (KUDA) proceeded to grant regularization permission to the writ petitioner *vide* proceedings No.LRS/C1/783/2012/1217 dated 29.07.2013.

4. The appellants' predecessor filed W.P.No.20527 of 2015 which was disposed of on 20.12.2016 recording the respondent No.1's undertaking that the 33 Ft. road would be laid from his own land. Later, KUDA cancelled the LRS permission on 23.12.2017 citing the pending litigation. The suit was ultimately dismissed on merits, on 12.12.2023, but an appeal *vide* A.S.No.74 of 2024 is pending. The learned Single Judge set aside the cancellation by the impugned order.

5. Therefore, the impugned order of cancellation of LRS proceedings on that legal ground cannot be faulted with. The next question, therefore, arises as to whether if the LRS proceedings could not have been granted during the pendency of the litigation, whether the question of LRS proceedings of the writ petitioner or the appellants should be left undecided. It appears that during the pendency of the writ petition, upon Court's direction, an inspection was carried out and the report was brought on record by respondent No.2 which is extracted hereunder:

"It is humbly submitted that, as per the documents provided by Respondent No.3, it is observed that he is claiming land admeasuring 488.0 sq. yards in Sy. No. 4/B of Lashkar Singaram Village through a registered sale deed bearing Document No. 2580 of 2008 dated 18.04.2008, executed by

one Koneru Dhana Laxmi. The said Koneru Dhana Laxmi acquired the said land through a registered sale deed bearing Document No. 1927 of 1989 dated 26.07.1989.

It is submitted that the boundaries mentioned in the schedule annexed to the said sale deed bearing Document No. 2580 of 2008 are as follows:

East: 100 ft. Road

West: House of V. Narsaiah, T. Shankaraiah & J. Shankaraiah

North: 33'0 Road and land of D. Chennaiah, M. Kashiah & others

South: plot of P. Gopika sold to B. Venkata varun.

It is submitted that Respondent No.3 is claiming the existence of a 33 ft. wide road on the northern side of his property as stated above. However, in his link document, i.e., the registered sale deed bearing Document No. 1927 of 1989 dated 26.07.1989, no road is shown on the northern side of his property. The boundaries mentioned therein are as follows:

East: 100'ft. wide Main Road (PWD)

West: houses of Vangala Narsaiah, Tanguturi Shankaraiah & J. Shankaraiah

North: Plot of D. Chennaiah, M. Kashiah & others

South: plot of P. Gopika

It is submitted that, in the said link document of the Respondent No.3, the northern boundary is shown as the plot of D. Chennaiah, who is the petitioner herein.

It is further humbly submitted that as per the documents provided by the petitioners, it is observed that they claiming the land to an extent of 306.0 Sq.yards in Sy.No. 4/B of Lashkar Singaram Village through a registered sale deed vide doc.no. 1921 of 1989, dt: 26/07/1989. In pursuance with this document, the boundaries to schedule annexed with are as follows:

East: 100'ft. Road

West: Plots of M. Gopal and others

North: plot of M. Kashiah

South: plot of Dhanalaxmi (Vendor of the respondent no.3 herein)

It is humbly submitted that on the southern side of the petitioners' property lies the plot of Dhana Laxmi, who is the vendor of Respondent No.3 herein. As such, the land of the petitioners abuts the northern side of the land of Respondent No.3, and the land of Respondent No.3 abuts the southern side of the petitioners' property.

It is further submitted that no road exists as on the ground between the two properties, and there is no Master Plan Road, RDP road, or any other approved road in between the properties of the petitioners and Respondent No.3. Both the petitioners and Respondent No.3 have constructed temporary sheds on their respective properties abutting the 100 ft. road, and no road exists as on the ground between the two properties."

6. The learned Senior Counsel for the appellants contended:

- i) That there is a contradiction between the regularization proceedings showing the 33 Ft. road from respondent No.1's land and the attached plan showing the road through the appellant's land.
- ii) That the respondent No.1 did not act on his undertaking to revise the plan.
- iii) That the pending appeal is a continuation of the litigation which bars the regularization under Rule 6(viii)(i), which Rule continues to apply

7. The learned counsel for the respondent/writ petitioner has contended:

- i) That the suit was only for injunction and has been dismissed on merits.
- ii) That the undertaking in WP No.20527 of 2015 settled the issue

8. It is to be noted that the cancellation order cannot stand exclusively on the basis of the suit which has been dismissed. However, in view of the pending appeal i.e., A.S.No.74 of 2024 the litigation has not finally concluded. The matter could not have been allowed to rest simply by setting aside the cancellation of the LRS proceedings in favour of the writ petitioner. More importantly there is a serious factual dispute as to the regularization proceedings and the attached plan not being in consonance with alignment of the 33 Ft. road. This dispute cannot be resolved on documents alone.

9. In this background facts, upon hearing learned counsel for the parties, we are of the considered view that a fresh ground survey of the lands both of the writ petitioner and the appellants herein to determine whether the 33 Ft. road falls within the land of the respondent No.1 or encroaches upon the appellants' land, be carried out by respondent No.3-Kakatiya Urban Development Authority, after due notice, in the presence of the parties, which will put a finality to the issue of LRS proceedings. Let such exercise be carried out within a period of three months with due notice to both the parties.

10. The instant Writ Appeal is, accordingly, disposed of. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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SD/- K. AMMAJI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, Telangana State, Hyderabad.
2. The Chairman, Kakatiya Urban Development, Authority (KUDA) Office at. Near Ashoka Hotel, Kancherakunta Hanumakonda, Warangal.
3. The Vice Chairman, Kakatiya Urban Development Authority (KUDA) Office at. Near Ashoka Hotel, Kancherakunta Hanumakonda, Warangal.
4. One CC to SRI KOTHAPALLI SAI SRI HARSHA, Advocate. [OPUC]
5. One CC to SRI T.BALA MOHAN REDDY, Advocate. [OPUC]
6. Two CCs to GP FOR MCPL ADMN URBAN DEV High Court for the State of Telangana, at Hyderabad [OUT]
7. One CC to SRI M.AJAY KUMAR, SC for Kakatiya Urban Development Authority (KUDA). [OPUC]
8. Two CD Copies.

BSK

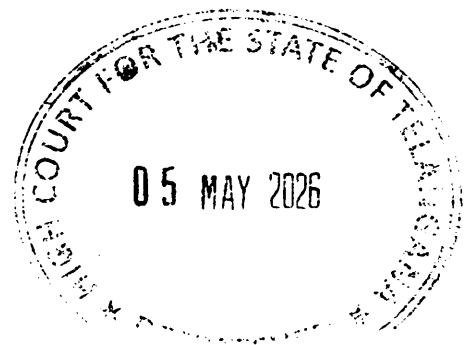
GJP

HIGH COURT

DATED: 23/04/2026

JUDGMENT

WA.No.363 of 2026



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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M/Pr
2/5