

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE SECOND DAY OF JULY
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: 499 OF 2026

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 21/04/2026 in WP No 1239 of 2026 on the file of the High Court.

Between:

Chandrasekhar Goud, S/o. E. Laxman Goud Aged about. 58 years, Occ. Business, R/o. H.No.6-3-1100/1/R, Jayaraja, Somajiguda, Hyderabad.

...APPELLANT

AND

1. Union of India, Ministry of Defence, Government of India. Represented by its Secretary Room No 305 - 'B' Wing, Sena Bhawan, New Delhi-110011.
2. The Chief Executive Officer, Secunderabad Cantonment Board, Court Compound, Sardar Patel Road, Secunderabad-03, CANTONMENT BOARD
3. The President, Secunderabad Cantonment Board, Court Compound, Sardar Patel Road, Secunderabad-03, CANTONMENT BOARD
4. Balajee Arun Educational Society, Rep. by its Chairman, M.Komuraiah, S/o.M.Venkataiah, Office Plot No.44 and 42A, Behind Nacharam Telephone Exchange, Malkajgiri Mandal, R.R.District
5. Srinivas, S/o.Not known R/o.Plot No.32/A, Mahendra Hills, Beside Tukaram Gate Police Station, East Marredpally, Hyderabad

...RESPONDENTS

I.A. 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 pass an order directing the respondent no. 4 and 5 to not to carry out any construction in respect of sanction granted by the respondent no.2 and 3 in favor of

the respondent no. 4 and 5 in respect of PLOT NO. 14,15 &16, REV.SY.NO. 74/3, SEVA MANDAL SOCIETY LTD, MAHENDRA HILLS, EAST MARREDPALLY, SECUNDERABAD CANTONMENT towards an extent of 975.48 SQ.MTR &1337.79 SQ.MTR vide True Extracts of Ordinary Board Meeting of the Cantonment Board, Secunderabad held in the conference hall, office of the Cantonment- Board, Secunderabad dated 22nd NOVEMBER, 2025, pending disposal of the Writ Appeal.

I.A. 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 pass an order to suspend the operation of the order dated 21-04-2026, passed in WRIT PETITION No. 1239 OF 2026, pending disposal of the Writ Appeal.

Counsel for the Appellant : SRI C.RAGHU, Sr.Counsel REP., SRI CH.SHRAVANI

**Counsel for the Respondent No.1 : SRI N.BHUVANGA RAO,
Dy.Solicitor General Of India**

Counsel for the Respondent No.2&3 : SRI K.R.KOTESHWARA RAO, SC FOR BOARD

**Counsel for the Respondent No.4&5 : SRI J.KANAKAIAH, Sr.Counsel,
rep., SRI P.RAGHAVENDRA RAO**

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.499 of 2026

DATE: 02.07.2026

Between:

Chandrasekhar Goud

....Appellant

And

Union of India, Ministry of
Defence, Government of India,
Represented by its Secretary and
4 others.

....Respondents

JUDGMENT

Heard Sri C.Raghu, learned Senior Counsel representing Ms.Ch.Sharvani, learned counsel for the appellant; Sri N.Bhujanga Rao, learned Deputy Solicitor General of India appearing for respondent No.1; Sri K.R.Koteswara Rao, learned Standing Counsel for Secunderabad Cantonment Board appearing for respondent Nos.2 and 3; and Sri J.Kanakaiah, learned Senior Counsel representing Sri P.Raghavendra Rao, learned counsel for respondent Nos.4 and 5 and perused the record.

2. This writ appeal is preferred, under Clause 15 of the Letters Patent, against the order dated 21.04.2026 passed by the learned Single Judge in W.P.No.1239 of 2026. By the said order, the learned

Single Judge dismissed the writ petition filed by the appellant herein, holding that the dispute involves complex questions of title, possession and identity of land, which are already pending before competent civil Courts and are thus not amenable to adjudication in writ jurisdiction under Article 226 of the Constitution of India.

Factual matrix

3. The appellant (writ petitioner) claims to be one of the co-owners and persons in possession of land admeasuring 6413 Sq.Yds. in Sy.No.844/1, Block No.17, situated at Malkajgiri Village, GHMC, Malkajgiri Circle and Mandal, Ranga Reddy District, having purchased the same, along with the other co-owners, under a registered Sale Deed dated 27.07.2013 from one Sri D. Laxminarayana.

4. According to the appellant, disputes concerning the identity and demarcation of the subject land have existed even prior to the appellant's purchase of the property. It is the case of the appellant that the appellant's vendor had addressed representations to the revenue authorities seeking demarcation of Sy.No.844/1 and action against alleged encroachments. Reference is also made to certain proceedings initiated by the revenue authorities including meetings, reports and subsequent correspondence concerning the survey and classification of the land.

5. The appellant further asserts that after the purchase, steps were taken for mutation of the property in the names of the purchasers and that the revenue authorities processed the matter by forwarding reports and sketches to the competent authorities.
6. It is further case of the appellant that apprehending construction activity over what he claims to be part of Sy.No.844/1, he submitted a representation dated 12.04.2017 to the Chief Executive Officer (CEO), Secunderabad Cantonment Board requesting that no building permission be granted in favour of respondent Nos.4 and 5. Pursuant thereto, the revenue authorities undertook a survey on 06.02.2019, which, according to the petitioner, confirmed that the disputed land falls in Sy.No.844/1.
7. The grievance of the appellant is that notwithstanding the above, respondent Nos.2 and 3 granted building permission in favour of respondent Nos.4 and 5 in respect of Plot Nos.14, 15 and 16 in Revised Sy.No.74/3, Seva Mandal Society Limited, Mahendra Hills, East Marredpally, Secunderabad Cantonment. The appellant contends that objections and representations submitted by him, including a representation dated 03.09.2024, were not duly considered before the grant of such permission.
8. Contending that the grant of building permission was contrary to the provisions of the Cantonments Act, 2006 (for short, 'the Act'), and was made without proper verification of the rival claims over the

- vi) Reference is also made to the speaking order dated 24.12.2022 passed by the CEO, Secunderabad Cantonment Board. It was submitted that the said speaking order was not binding upon the appellant insofar as the subsequent grant of building permission was concerned.
- vii) That the speaking order itself recognized the pendency of the civil dispute and specifically recorded that any future building application would be considered only in accordance with the provisions of the Cantonments Act, 2006. It was further submitted that the speaking order essentially dealt with two distinct aspects, namely, the appellant's request for cancellation of the layout and permissions granted thereunder, and the consideration of any future building application, which was expressly left open to be decided in accordance with law.
- viii) That after the said speaking order, the appellant submitted a fresh representation dated 03.09.2024 requesting respondent Nos.2 and 3 not to grant building permission in favour of respondent Nos.4 and 5. However, without conducting any enquiry, without considering the objections raised by the appellant and without affording him an opportunity of hearing, respondent Nos.2 and 3 proceeded to grant the impugned building permission, thereby violating the principles of natural justice.

- ix) That respondent Nos.2 and 3 granted the impugned building sanction without undertaking any physical verification or enquiry regarding the identity of the land. It was contended that the land in question measures 6413 Sq.Yds. in Sy.No.844/1, Block No.17, Malkajgiri Village, and not Sy.No.74/9 as claimed by respondent Nos.4 and 5. According to the appellant, if a proper field inspection was conducted, the identity of the property would have been established beyond doubt.
- x) That the building permission in respect of Plot Nos.14, 15 and 16 was granted solely on the basis of an approved layout, the very legality of which is under serious cloud. According to the appellant, before approving the layout, the Cantonment Board ought to have obtained the requisite revenue clearance, conducted a physical survey.
- xi) It was argued that the layout came to be sanctioned merely on the basis of documents produced by the Society without any field verification. Learned Senior Counsel further submitted that the Joint Survey conducted by the Revenue Authorities confirmed that an extent of 6413 Sq. Yds. formed part of Malkajgiri Village and that there was no overlap with Sy.No.74. Consequently, the approval of the layout without proper verification was itself illegal and all consequential permissions granted thereunder were equally liable to be set aside.

- xii) That the entire controversy centres around the identity and physical location of the land, namely, whether the property falls in Sy.No.844/1 of Malkajgiri Village or Sy.No.74/9 of Marredpally Village. It was contended that the issue stood conclusively determined by the Joint Survey conducted on 06.02.2019 by the Regional Deputy Director, Survey and Land Records, Hyderabad, after issuing notice to all stakeholders, including respondent Nos.4 and 5. According to the appellant, the survey categorically established that the subject land falls within Sy.No.844/1 of Malkajgiri Village and not in Sy.No.74. It was further submitted that respondent Nos.4 and 5 have never challenged the said survey proceedings and, therefore, the findings recorded therein continue to bind the parties.
- xiii) That the respondent authorities misread the contents of the Joint Survey Report by selectively relying upon the observation regarding absence of overlap between the survey numbers while completely ignoring the categorical finding that the disputed land is situated in Sy.No.844/1 of Malkajgiri Village.
- xiv) That the grant of building permission is contrary to Section 181(a) of the Act, inasmuch as the applicant's right over the land was itself under serious dispute. In such circumstances, the competent authority ought to have declined sanction until

the dispute relating to title and identity of the property attained finality.

- xv) That respondent Nos.2 and 3 failed to ascertain the mandatory NOC from the Mandal Revenue Officer (MRO) before granting building permission in the Secunderabad Cantonment area, thereby vitiating the entire decision-making process.
- xvi) That while the sanctioned layout reflected a total extent of only 1164 Sq.Yds. in Plot Nos.14, 15 and 16, the impugned building permission came to be granted for an extent of 1337.79 Sq.Yds. Thus, the discrepancy itself demonstrates complete non-application of mind and renders the impugned sanction arbitrary and unsustainable.
- xvii) That the learned Single Judge erred in holding that affording an opportunity of hearing to the appellant before grant of building permission could not be treated as a mandatory requirement. It was contended that the appellant, being a person asserting an independent claim over the very land in question and having submitted objections prior to grant of sanction, was entitled to be heard before respondent Nos.2 and 3 took any decision affecting his rights.
- xviii) That the learned Single Judge erred in holding that Section 181(a) of the Act, would become applicable only upon establishment of a clear dispute affecting the applicant's title.

According to the appellant, the Joint Survey Report dated 06.02.2019 itself established the existence of a genuine dispute regarding the identity of the land and, therefore, respondent Nos.2 and 3 ought to have refused sanction.

- xix) That the appellant cannot be accused of pursuing multiple proceedings with the object of harassing respondent Nos.4 and 5. That the various proceedings initiated by the appellant arose out of distinct causes of action and were necessitated solely to safeguard his claimed rights over the property in view of the repeated attempts allegedly made by respondent Nos.4 and 5 to interfere with the same.
- xx) That implementation of the order under appeal would result in the appellant being dispossessed from the property in his possession. That the appellant had established a strong *prima facie* case, the balance of convenience lay in his favour, and refusal to interfere would result in irreparable injury and prejudice to his asserted rights over the schedule property.

Submissions on behalf of the respondents

11. Learned Deputy Solicitor General of India appearing for respondent No.1, learned Standing Counsel appearing for the Secunderabad Cantonment Board and learned counsel appearing for respondent Nos.4 and 5, advanced the following submissions:

- i) That the learned Single Judge rightly held that the dispute between the parties pertained to the identity and location of the land claimed by the appellant in Sy.No.844/1 of Malkajgiri Village *vis-à-vis* the land in respect of which building permission had been granted to respondent Nos.4 and 5 in Sy.No.74/9 of Marredpally Village. That the controversy essentially involved disputed questions relating to title, possession, identity, boundary demarcation and competing claims over immovable property, requiring appreciation of oral and documentary evidence, survey records and field demarcation, which fell within the exclusive domain of the competent civil Court.
- ii) That the appellant had earlier instituted O.S.No.347 of 2017 seeking perpetual injunction in respect of the very same property, which came to be dismissed by judgment and decree dated 16.04.2024. It was submitted that the trial Court, upon appreciation of the evidence held that the appellant had failed to establish either title or possession, expressed doubt regarding the competence of the appellant's vendor to convey valid title and observed that the dispute involved complicated questions of title incapable of adjudication in a suit for bare injunction. According to the respondents, the appellant's claim had thus already been subjected to judicial scrutiny.

- iii) That, even according to the appellant, when a First Appeal *vide* S.R.No.8236 of 2025 against the judgment in O.S.No.347 of 2017 is pending before the competent appellate Court, the issues relating to title and possession remain *sub judice* before the Civil Court and the learned Single Judge was justified in declining to adjudicate such disputed questions in exercise of writ jurisdiction.
- iv) That the survey report dated 06.02.2019 did not advance the appellant's case. It was contended that both the parties sought to place different interpretations upon the very same survey report. While the appellant relied upon the report to contend that the disputed land formed part of Sy.No.844/1, the respondents relied upon the report to demonstrate that there was no overlapping between Sy.No.844/1 of Malkajgiri Village and Sy.No.74 of Marredpally Village. According to the respondents, such conflicting interpretations themselves demonstrated that the controversy involved disputed questions of fact requiring adjudication by the civil Court.
- v) That the survey report dated 06.02.2019 specifically recorded that there was no overlapping between Sy.No.844/1 of Malkajgiri Village and Sy.No.74 of Marredpally Village and that the boundaries of the two Villages stood duly identified and demarcated. According to the respondents, the report itself

established that the appellant's land was situated in Sy.No.844/1 and not in Sy.No.74 and, therefore, the allegation that respondent Nos.4 and 5 were laying claim over land situated in Sy.No.844/1 was wholly misconceived.

- vi) That the appellant had earlier submitted representations dated 05.08.2022 and 29.11.2022 before the CEO, Secunderabad Cantonment Board. Before the same were considered, the appellant filed W.P.No.43560 of 2022. During its pendency, the CEO passed a speaking order dated 24.12.2022 disposing of the representations, whereupon the writ petition was closed recording that the appellant's grievance stood redressed, while reserving liberty to challenge the said order. It was submitted that despite such liberty, the appellant did not challenge the speaking order.
- vii) That by the speaking order dated 24.12.2022, the request for cancellation of the layout of Seva Mandal Society (Shantiniketan Society) and the permissions granted thereunder was rejected, noting that the layout had been sanctioned about four decades earlier, had been fully developed, the common areas had vested in the Secunderabad Cantonment Board and several houses had already been constructed. The speaking order also recorded that there was no overlap between Sy.No.74 of Marredpally Village and Sy.No.844/1 of Malkajgiri Village.

According to the respondents, the appellant neither challenged nor disclosed the said order while repeatedly approaching the authorities and this Court, thereby abusing the process of law.

- viii) That the findings recorded in the speaking order, particularly with regard to the absence of overlap between Sy.No.74 and Sy.No.844/1, had attained finality in the administrative process and could not be indirectly reopened by filing the present writ petition.
- ix) That Plot Nos.14, 15 and 16 formed part of the duly sanctioned layout of Seva Mandal Society (Shantiniketan Society) situated in Sy.No.74/9, Mahendra Hills, East Marredpally, Secunderabad Cantonment, which was approved by the Secunderabad Cantonment Board *vide* CBR No.17 dated 01.10.1981. The said plots, according to the respondents, never formed part of Sy.No.844/1 of Malkajgiri Village.
- x) That the layout was sanctioned in respect of land admeasuring Acs.9.60 in Sy.No.74/9 belonging to the Society. The approved layout provided for reservation of 40% of the total area towards roads, parks, footpaths and green belt, which subsequently vested in the Cantonment Board for the benefit of the plot owners and the general public. The layout comprised 180 plots and was bounded by Dhanalakshmi Co-operative Housing Society on the North, a proposed 40 feet road on the South,

Sy.No.844/1 of Malkajgiri Village on the East and Trimurthy Weaker Sections Co-operative Housing Society on the West. Upon development of the layout, the Society executed a Gift Settlement Deed dated 31.01.1983 conveying the common areas in favour of the Cantonment Board.

- xi) That, as per the sanctioned layout, Plot Nos.14, 15 and 16 did not share any common boundary with Sy.No.844/1 and that only Plot No.17, Plot Nos.176 to 180 and the area earmarked for the water tank abutted Sy.No.844/1 on the eastern side. Therefore, according to the respondents, the allegation of overlap or encroachment in respect of Plot Nos.14; 15 and 16 was factually incorrect.
- xii) That Sy.No.844/1 of Malkajgiri Village and Sy.No.74/9 of Marredpally Village are situated in different Villages and different revenue districts. Sy.No.844/1 falls within Malkajgiri Mandal, Medchal-Malkajgiri District (formerly Ranga Reddy District), whereas Sy.No.74/9 forms part of Marredpally Village in Hyderabad District. It was contended that the layout had been sanctioned and fully developed long prior to the appellant's purchase in the year 2013 and, therefore, the appellant could not subsequently assert any claim over land forming part of the approved layout.

- xiii) Reliance was also placed upon the survey report dated 12.06.1998 submitted by the Deputy Director, Central Survey, Narayanaguda, Hyderabad, wherein it was recorded that there was no overlap between the boundaries of Malkajgiri Village and Marredpally Village. According to the respondents, the appellant, under the guise of asserting rights over Sy.No.844/1, was attempting to lay claim over plots situated in Sy.No.74/9 forming part of the sanctioned layout.
- xiv) That respondent Nos.4 and 5 initially submitted an application dated 02.01.2025 seeking sanction of a building plan in respect of Plot Nos.14, 15 and 16 in Sy.No.74/9. The application was returned on 25.07.2025 pointing out certain objections, whereafter a revised application was submitted. The revised application was duly processed and sanctioned by the competent authority of the Cantonment Board *vide* CBR No.14(03) dated 22.11.2025 permitting construction of a building consisting of cellar, ground, first and second floors.
- xv) That pursuant to the said sanction, respondent No.4 executed a Mortgage Deed bearing Document No.2018 of 2025 dated 24.12.2025 in respect of 10% of the total built-up area, in accordance with the policy of the Cantonment Board. However, before release of the sanctioned plan, the present writ petition came to be filed and this Court, by interim order dated

09.01.2026, granted stay, in view of which the sanctioned permission had not been released.

- xvi) That the appellant had earlier filed W.P.No.12698 of 2020 seeking a direction not to grant any layout or building permission in Sy.No.74 and its sub-divisions. The said writ petition remained pending without any interim order. The appellant had also instituted Contempt Case (CC) No.455 of 2023 alleging violation of the interim order, which came to be closed on merits by order dated 14.06.2024.
- xvii) That the repeated institution of proceedings and submission of representations by the appellant clearly demonstrate an attempt to exert pressure upon the authorities and obstruct the legitimate rights of respondent Nos.4 and 5 in respect of their plots situated in the approved layout.
- xviii) That the appellant's reliance on Section 181(a) of the Act, was misconceived. It was submitted that the provision applies only where there exists a clear and established dispute affecting the applicant's right over the land. In the present case, the Cantonment Board acted on the basis of a long-standing sanctioned layout and its consistent stand that there was no overlap between Sy.No.74/9 and Sy.No.844/1. In the absence of any conclusive adjudication establishing the appellant's

claim, no violation of Section 181(a) of the Act, could be attributed to the respondent authorities.

- xix) That the plea of violation of the principles of natural justice was equally untenable. It was submitted that the sanction pertained to Plot Nos.14, 15 and 16 forming part of a duly sanctioned layout approved on 01.10.1981 and was granted in exercise of the Cantonment Board's statutory powers. Since the appellant was neither an applicant before the authority nor a person claiming under the sanctioned layout, but asserted an independent claim over a different survey number, no prior opportunity of hearing was required before grant of the building permission.
- xx) That the contentions relating to the alleged absence of a NOC from the MRO and the alleged illegality in sanction of the layout again involved disputed questions of fact requiring examination of records and appreciation of evidence, which could not be adjudicated in proceedings under Article 226 of the Constitution.

12. We have taken note of the respective contentions urged and perused the material on record including the pleadings, the survey report dated 06.02.2019, the speaking order dated 24.12.2022 and the judgment and decree in O.S.No.347 of 2017.

Consideration by this Court

Nature of the Dispute and Maintainability of Writ Jurisdiction

13. The principal question that arises for consideration is whether the learned Single Judge was justified in declining to exercise jurisdiction under Article 226 of the Constitution on the ground that the controversy between the parties involves disputed questions relating to title, possession and identity of immovable property, requiring adjudication by a competent Civil Court.

14. Article 226 of the Constitution of India confers wide powers upon the High Court to issue appropriate writs. However, it is to be noted that such jurisdiction is essentially supervisory and cannot ordinarily be invoked for adjudication of disputed questions of fact, particularly where the controversy relates to title, possession, boundary demarcation or identity of immovable property requiring appreciation of oral and documentary evidence.

15. In the present case, the controversy centers around the identity and location of the subject land in Sy.No.844/1 of Malkajgiri Village and the land in respect of which building permission has been granted to respondent Nos.4 and 5 in Sy.No.74/9 of Marredpally Village. The rival claims are founded on distinct sources of title. While the appellant asserts rights under a registered sale deed dated 27.07.2013 and the connected revenue records pertaining to Sy.No.844/1 of Malkajgiri Village, respondent Nos.4 and 5 claim

through the approved layout of Seva Mandal Society in Sy.No.74/9 of Marredpally Village, sanctioned by the Secunderabad Cantonment Board on 01.10.1981. Therefore, the dispute involves determination of title, possession, identity and boundary demarcation of the subject land.

16. It is also not in dispute that Sy.No.844/1 of Malkajgiri Village and Sy.No.74/9 of Marredpally Village are situated in different Villages and different revenue districts. The appellant relies upon revenue records and the Joint Survey Report dated 06.02.2019 to contend that the disputed land forms part of Sy.No.844/1, whereas the respondents rely upon the very same survey report, the earlier survey report dated 12.06.1998 and the sanctioned layout to contend that there is no overlapping between the two survey numbers. The divergent interpretation placed by both the parties upon the same document itself demonstrates that the controversy cannot be resolved without detailed examination of evidence and demarcation of the land on the ground.

17. Significantly, the appellant had earlier instituted O.S.No.347 of 2017 seeking perpetual injunction in respect of the very same property. By judgment and decree dated 16.04.2024, the Civil Court dismissed the suit upon recording findings that the appellant failed to establish title as well as possession and further observed that the controversy involved complicated questions of title beyond the scope

of a suit for bare injunction. Though the said judgment is presently under challenge in First Appeal *vide* S.R.No.8236 of 2025, the same nevertheless demonstrates that the dispute has already undergone judicial scrutiny before the competent Civil Court and continues to remain *sub judice* before the appellate forum. The said judgment and decree dated 16.04.2024, is extracted hereunder for ready reference:

43. Hence, on careful examination of pleading and evidence on record it appears that plaintiffs are not certain in taking stand as to whether suit property is open land as mentioned in scheduled to the plaint and under Ex.A1 or it has either temporary or permanent structures as intended to be demonstrated with Ex.A4 to A6 and Ex.A10. Thus, on this score also plaintiff failed to bring clarity.

44. As noticed from the record, Mr.Darji Balaiah @ Bala Kisthu is stated to have purchased the land in survey No.844 (sub division 844/1) extent Ac. 334.00 guntas was owned by Balakisthu Darji having purchased under agreement of sale in the year 1903 *vide* Title Deed No.10/8 of 1313 Fasli dated 12 Dai 1313 fasli granted by Collectorate District, Baghar Nizam's State. The agreement of sale is not filed in present case and it is also not made clear as to whether this document was pursued by the revenue authorities.

45. The Gazettee notification under Ex.A11 and information given by the Tahsildar, Malkajgiri show that land in survey No.844/1 is recorded as Government Land. Whereas, plaintiffs claim it to be patta land. However, there appears no documentary evidence to show that land in survey No.844/1 is patta land and Mr.Darji Balaiah @ Bala Kisthu was pattadar/owner of such land. So, firstly the predecessor in interest of plaintiff need to be get clarification/declaration of right of Mr.Darji Balaiah @ Bala Kisthu over the land in survey No.844/1 with specific extent.

As seen from Ex.A2 Mr.Darji Balaiah @ Bala Kisthu was survived by wife, two sons and two daughters. In view of existence of legal heirs of Mr.Darji Balaiah @ Bala Kisthu, how Mr.Sataiah and after his death his son Mr.Laxminarayana claimed exclusive rights over the estate left over the Mr.Darji Balaiah @ Bala Kisthu is not made clear and their lies ambiguity on this aspect.

46. This brings the discussion to the issue of title claim laid by the plaintiffs over the suit schedule property. With ambiguity over the title flow in respect of suit schedule property as discussed earlier, the legal competence of Mr.Laxminarayana vendor of plaintiffs remain doubtful to convey title in favour of plaintiffs.

47. In the present case, suit schedule property is open land and for deciding the possession over the open land one need to fall back on proving the title over such open land and on the principle of possession generally follow title in case of open land.

48. The issues as appears from pleading and evidence on record touch upon the complicated title dispute which can not be adjudicated in present suit where the scope does not permit to give finding the title of plaintiffs over the suit schedule property.

49. For the discussion as taken up above, it is required to be held that plaintiffs failed to prove their pleadings that they are owner and in possession of the suit schedule property. Accordingly, issue no.1 and 2 are answered against the plaintiffs.

18. Further, the appellant had earlier questioned the actions of the Cantonment Board by filing W.P.No.43560 of 2022, pursuant to which the CEO passed a speaking order dated 24.12.2022. The said order, while rejecting the appellant's request for cancellation of the sanctioned layout, also recorded that there was no overlap between Sy.No.74 of Marredpally Village and Sy.No.844/1 of Malkajgiri Village. The appellant did not challenge the said speaking order. These circumstances reinforce that the controversy essentially pertains to competing claims over immovable property and cannot be satisfactorily adjudicated in proceedings under Article 226 of the Constitution.

19. It is well settled that a writ Court will not conduct a roving enquiry into disputed questions of title, nor will it weigh conflicting survey reports and revenue records to determine possession. This Court, in its writ jurisdiction, cannot resolve intricate and disputed questions of property title, boundary, or possession that require an appreciation of competing evidence. Such issues necessarily require a full-fledged trial before the competent Civil Court, where the parties

have an opportunity to adduce oral and documentary evidence and establish their respective claims in accordance with law.

Effect of Dismissal of O.S.No.347 of 2017 and Pendency of First Appeal

20. Insofar as the contention that the learned Single Judge erred in taking note of the dismissal of O.S.No.347 of 2017 and the pendency of the First Appeal while declining to exercise jurisdiction under Article 226 of the Constitution is concerned, we find no merit in the contention. Though the appellant contends that the judgment in O.S.No.347 of 2017, being one rendered in a suit for perpetual injunction, does not operate as *res judicata*, the fact remains that, upon a full-fledged trial, the civil Court recorded findings that the appellant failed to establish either title or possession over the suit property and also expressed doubt regarding the competence of his vendor to convey valid title. While these findings may not finally determine title, they unmistakably demonstrate that the appellant's claim is seriously disputed and is already pending adjudication before the competent Civil Court.

21. It is to be noted that the learned Single Judge has not treated the judgment in O.S.No.347 of 2017 as operating as *res judicata*. The learned Single Judge merely took note of the fact that the dispute had already undergone judicial scrutiny before the Civil Court and that the appellant had carried the matter in appeal. Admittedly, the First

Appeal against the judgment and decree in O.S.No.347 of 2017 is pending before the competent appellate Court. In such circumstances, the learned Single Judge was justified in declining to undertake adjudication of the very same disputed questions relating to title and possession in exercise of writ jurisdiction.

22. The record further discloses that the appellant had earlier submitted representations dated 05.08.2022 and 29.11.2022 before the CEO, Secunderabad Cantonment Board. Before the said representations were considered, the appellant filed W.P.No.43560 of 2022 seeking a direction for their consideration. During the pendency of the said writ petition, the CEO passed a speaking order dated 24.12.2022 disposing of the representations. Recording the said development, this Court disposed of W.P.No.43560 of 2022 while reserving liberty to the appellant to challenge the speaking order. However, the appellant did not challenge the said speaking order.

23. It is also borne out from the record that the appellant had instituted W.P.No.12698 of 2020 seeking a direction not to grant any layout or building permission in Sy.No.74 or its sub-divisions, wherein no interim relief was granted. The appellant had further initiated C.C.No.455 of 2023 alleging violation of the interim order, which came to be closed on merits by order dated 14.06.2024. The aforesaid sequence of events demonstrates that the dispute has remained the subject matter of multiple proceedings before different

forums. Therefore, when the questions relating to title, possession and identity of the property are already pending before the competent Civil Court and the appellate forum, we find no infirmity in the approach adopted by the learned Single Judge in declining to exercise writ jurisdiction under Article 226 of the Constitution.

24. On perusal of the record, it discloses that the speaking order dated 24.12.2022 came to be passed by the CEO, Secunderabad Cantonment Board, upon consideration of the appellant's representations dated 05.08.2022 and 29.11.2022. By the said order, the appellant's request for cancellation of the layout of Seva Mandal Society (Shantiniketan Society) and the permissions granted thereunder was rejected, having regard to the fact that the layout had been sanctioned several decades earlier, had been fully developed, the common areas had vested in the Cantonment Board and several plot owners had already raised constructions. The order also recorded, on the basis of the survey report of the Tahsildar, Malkajgiri Mandal, that there was no overlapping between Sy.No.74 of Marredpally Village and Sy.No.844/1 of Malkajgiri Village.

25. Regarding the issue as to the speaking order cannot be treated as binding insofar as the subsequent grant of building permission particularly when the order itself records that any future application for building permission would be considered in accordance with the

provisions of the Cantonments Act, 2006, is concerned, this Court does not find merit in it.

26. It is relevant to note that the speaking order did not finally determine the question of grant of building permission. However, the appellant's request for cancellation of the sanctioned layout and the permissions granted thereunder stood rejected by the said order. Admittedly, when W.P.No.43560 of 2022 was disposed of, liberty was reserved to the appellant to challenge the speaking order, but no such challenge was made. Consequently, the administrative conclusions recorded therein, including those based on the survey report, attained finality in the absence of any challenge and could not thereafter be indirectly questioned in the present proceedings. Therefore, the appellant cannot seek to reopen the very same administrative issues in the present writ proceedings.

Applicability of Section 181(a) of the Act and Principles of Natural Justice

27. The appellant's contention that in view of the subsisting dispute regarding the identity and ownership of the land, the respondent authorities ought to have withheld the sanction until such dispute attained finality, is misconceived. The applicability of Section 181(a) of the Act necessarily presupposes the existence of a clear and established dispute affecting the applicant's right over the property. In the present case, the Cantonment Board proceeded on the basis of

a long-standing sanctioned layout and the consistent administrative position that there was no overlap between Sy.No.74/9 of Marredpally Village and Sy.No.844/1 of Malkajgiri Village. In the absence of any conclusive adjudication establishing the appellant's claim, the action of respondent Nos.2 and 3 in granting the impugned building permission cannot be held to be contrary to Section 181(a) of the Act.

28. Equally untenable is the contention founded on the principles of natural justice. The building application submitted by respondent Nos.4 and 5 was considered within the framework of a duly sanctioned layout in exercise of the statutory powers of the Cantonment Board. Admittedly, the appellant was neither an applicant before the authority nor a person claiming under the sanctioned layout, but a third party asserting an independent claim over a different survey number. Therefore, no prior opportunity of hearing was afforded to the appellant before grant of the building permission, particularly when his claim is already pending adjudication before the competent Civil Court.

29. It is also not in dispute that the appellant had repeatedly submitted representations before the authorities, which culminated in the detailed speaking order dated 24.12.2022. Despite liberty granted by this Court, the appellant did not challenge the said order and instead continued to pursue fresh representations. The principles of natural justice cannot be stretched to require the authorities to

undertake a fresh enquiry or afford repeated hearings each time a building application is submitted in respect of a duly sanctioned layout. Thus, the grant of building permission by respondent Nos.2 and 3 neither contravened Section 181(a) of the Act, nor suffered from any violation of the principles of natural justice.

30. The appellant has placed considerable reliance upon the joint survey report dated 06.02.2019 conducted by the Regional Deputy Director, Survey and Land Records, Hyderabad, to contend that the disputed land falls within Sy.No.844/1 of Malkajgiri Village. The respondents, however, rely upon the very same report to contend that it categorically records the absence of any overlap between Sy.No.844/1 of Malkajgiri Village and Sy.No.74 of Marredpally Village and, therefore, establishes that Plot Nos.14, 15 and 16 do not form part of the appellant's land. The report also records that an extent of 6143 Sq. Yds. falls in Sy.No.844/1 of Malkajgiri Village while simultaneously observing that there was no overlap between the two survey numbers.

31. It is to be noted that the said rival interpretations sought to be placed upon the very same survey report clearly demonstrate that the controversy is essentially factual in nature. Determination of the true import of the survey report, its correlation with the respective survey numbers and the identity of the land would necessarily require appreciation of oral and documentary evidence, examination of survey

records and, if necessary, expert evidence, all of which fall within the domain of the competent civil Court. Such an exercise cannot be undertaken in proceedings under Article 226 of the Constitution. Therefore, the survey report dated 06.02.2019 does not, by itself, advance the appellant's case in the present proceedings and that the disputed factual issues arising therefrom cannot be adjudicated in exercise of writ jurisdiction.

Conclusion

32. For the foregoing reasons, this Court is of the considered view that the dispute raised by the appellant essentially involves disputed questions relating to title, possession and identity of immovable property, which are already the subject matter of proceedings before the competent civil forum. Therefore, the learned Single Judge committed no error, either on facts or in law, in declining to exercise jurisdiction under Article 226 of Constitution of India.

33. Accordingly, the Writ Appeal is dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

**SD/- A.V.S. PRASAD
DEPUTY REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Ms.CHENNABOINA SHRAVANI, Advocate. [OPUC]
2. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
3. One CC to SRI K.R.KOTESWARA, SC for Secunderabad Cantonment Board. [OPUC]
4. One CC to SRI P.RAGHAVENDRA RAO, ADVOCATE. [OPUC]
5. Two CD Copies.

BSK 

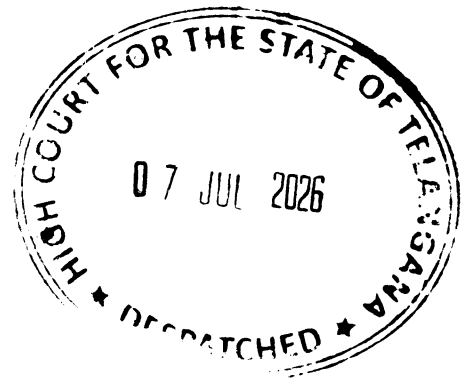
HIGH COURT

DATED: 02/07/2026

JUDGMENT

WA.No.499 of 2026

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**



⑧ CKS
7/7/26