

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

**WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

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

WRIT APPEAL NO: 590 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against
Order Dated 06/03/2026 Passed in WP No 6962 of 2026 on the file of the High
Court.

Between:

Uppari Saga, S/o.Mallaiah, Age 39 years, Occ: Legal Practitioner, R/o.H.No.27-
410, Hamaliwada, Mancherial, Dist. Mancherial.

...APPELLANT

AND

1. The State of Telangana, Rep. its Principal Secretary Municipal Administration and Urban Development Secretariat Hyderabad.
2. The District Collector, Mancherial, Dist. Mancherial.
3. The Municipal Corporation, Mancherial Rep. by Municipal Commissioner, Mancherial Municipal Corporation, Dist. Mancherial.

...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 issue interim directions restraining the Respondents, their subordinates, agents, servants or any person claiming through them from interfering with my peaceful possession and enjoyment of the petitioner over house plot bearing Door No.27-410, Situated at Hamaliwada, Mancherial, Dist. Mancherial to an extent of 221 Sq.Yards from carrying out any further demolition, dispossession, excavation, drainage construction

or any other coercive action in respect of the subject property, pending disposal of the above Writ Appeal.

Counsel for the Appellant: SRI. KONDADI AJAY KUMAR

**Counsel for the Respondent No.1: MS. V. JAYASREE,
AGP FOR MCPL ADMN URBAN DEV**

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

Counsel for the Respondent No.3: SRI KRISHNA REDDY PUTTA

The Court Delivered 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.590 of 2026

DATE:17.06.2026

Between:

Uppari Sagar

....Appellant

And

The State of Telangana rep. by its
Principal Secretary Municipal
Commissioner, Mancherial
Municipal Corporation and 2
others.

....Respondents

JUDGMENT

Heard Mr. Kondadi Ajay Kumar, learned counsel for the appellant; Ms. V.Jayasree, learned Assistant Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1; Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent No.2 and Sri Krishna Reddy Putta, learned Standing Counsel appearing for respondent No.3 and perused the record.

2. This writ appeal is preferred under Clause 15 of the Letters Patent, against the order dated 06.03.2026 passed by the learned Single Judge in W.P.No.6962 of 2026. By the said order, the learned Single Judge dismissed the writ petition filed by the

appellant herein, primarily on the ground that the appellant failed to establish his title over the subject property and that the documents relied upon by him, namely tax receipts, were insufficient to prove his claim of ownership.

Factual matrix

3. The appellant claims to be the absolute owner and possessor of house bearing Door No.27-410, situated at Hamaliwada, Mancherial, admeasuring 221 Sq. Yds. The property is stated to have originally been purchased by late Uppari Mallaiah under a registered Sale Deed bearing Document No.2649 of 1995 executed by Vemula Chandriah and others. Upon the demise of Uppari Mallaiah, the property is stated to have devolved upon the appellant under an unregistered Will dated 02.03.2020. The property stands mutated in the municipal records and is associated with electricity connection bearing SC No.63118-19272 and USC No.15241856. Municipal taxes and other statutory dues are stated to have been paid in respect of the property.

4. The grievance of the appellant arises out of the road widening works undertaken by respondent No.3, namely the Mancherial Municipal Corporation, in relation to the Hamaliwada-Tilaknagar road, whereby the existing road width was proposed to be increased from 40 feet to 55 feet. According to the appellant, the municipal authorities commenced interference with properties

situated on either side of the road without initiating proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short 'RFCTLARR Act') or any other law governing acquisition of private property, and without payment of compensation.

5. To ascertain whether any acquisition proceedings had been initiated, the appellant submitted an application dated 10.03.2023 under the Right to Information Act, 2005 (for short 'RTI Act'). In response, respondent No.3 furnished information *vide* File No.G1/60/RTI/2023 dated 04.04.2023 stating that the structures affected by the road widening were being voluntarily removed by the respective owners and that no compensation had been paid. The appellant disputes the correctness of the said information and maintains that none of the affected owners had voluntarily surrendered their properties or consented to such demolition.

6. The appellant states that, he objected to the proposed road widening and requested the authorities not to proceed without following the procedure prescribed by law for acquisition of private property and payment of compensation. Notwithstanding the same, on 02.03.2026 at about 4.00 A.M., officials of respondent No.3, accompanied by police personnel, allegedly entered the subject premises, dispossessed the appellant therefrom and demolished a portion of the residential structure to an extent of approximately

6½ feet from the existing road margin. It is further stated that the neighbouring property was affected only to an extent of about 4 feet and that the demolition was carried out without prior notice, acquisition proceedings or payment of compensation.

7. The appellant further states that, being an Advocate, he had submitted several representations, issued a legal notice dated 16.06.2025 and sought information under the RTI Act regarding the proposed road widening. According to him, the respondent authorities, on account of the aforesaid actions, demolished a larger portion of his property than was required for the road widening project. It is also stated that respondent No.3 proposes to construct a drainage channel in the affected portion and may further encroach upon his property. The appellant attributes *mala fides* to the actions of the municipal authorities.

8. The respondents, in the written instructions placed before the learned Single Judge, stated that, during an inspection conducted by the Town Planning and Engineering staff on 03.01.2026, it was found that the appellant had obstructed an existing drainage channel, thereby impeding the free flow of drainage water and causing inconvenience to the residents of the locality. The obstruction was removed on 11.01.2026 and a *kutchha* drain was formed in front of the appellant's premises; however, the appellant allegedly refilled the drain with debris and commenced

construction activities, thereby obstructing the drainage system and municipal works falling within the alignment of the Master Plan Road and drain.

9. The respondents also relied upon a consent letter dated 09.01.2026 executed by the appellant's mother, Smt.Uppari Jamuna, expressing her willingness to alienate/gift the land required for the construction of the road and drain in favour of the Mancherial Municipal Corporation. According to the respondents, despite such consent, the appellant continued to obstruct the execution of public utility works and drainage operations. It was further stated that the municipal authorities were implementing road and drainage works in accordance with the sanctioned Master Plan and for the benefit of the general public.

10. The learned Single Judge, upon consideration of the pleadings and material available on record, dismissed the writ petition. The learned Single Judge observed that the petitioner had not produced any document establishing title to the subject property or any material showing its precise boundaries or extent. The tax receipts relied upon by the petitioner were held insufficient to determine the extent of the property allegedly affected. In the absence of cogent documentary evidence substantiating the petitioner's claim, the learned Single Judge concluded that no case

had been made out for issuance of a writ of mandamus and accordingly dismissed the writ petition.

11. Aggrieved by the said order the appellant has preferred the present writ appeal.

Submissions on behalf of appellant

12. Learned counsel for the appellant, assailed the impugned order and has advanced the following submissions:

- i) That the learned Single Judge erred in dismissing the writ petition solely on the ground that the appellant had failed to establish title to the subject property. According to him, the controversy did not concern adjudication of title but related to the legality of the alleged dispossession by the State without authority of law. It was contended that even a person in settled possession cannot be dispossessed except by due process of law. Reliance was placed upon the decisions of the Hon'ble Supreme Court in **Krishna Ram Mahale v. Shobha Venkat Rao**¹, and **Rame Gowda v. M. Varadappa Naidu**².
- ii) That the appellant's possession was evidenced by municipal tax receipts and electricity service connection records and that such possession was entitled to protection under Article 300-A of the Constitution of India. The learned Single Judge,

¹ (1989) 4 SCC 131

² (2004) 1 SCC 769

it was argued, failed to appreciate the distinction between proof of possession and proof of title.

- iii) That the demolition of the appellant's property and the consequential deprivation of property without following any procedure established by law amounted to a violation of Article 300-A of the Constitution of India. Reliance was placed upon ***Bishan Das and others v. State of Punjab***³, to contend that the State cannot dispossess a person without authority of law even where it claims a superior right or seeks to act for a public purpose.
- iv) That the demolition allegedly carried out at about 4.00 A.M., without issuance of notice, initiation of acquisition proceedings, or affording an opportunity of hearing, was arbitrary and violative of the principles of natural justice as well as the protection guaranteed under Article 21 of the Constitution of India. Reliance was placed upon ***Maneka Gandhi v. Union of India***⁴, to contend that any procedure affecting life or liberty must be just, fair and reasonable.
- v) That demolition of the appellant's property to an extent of 6½ feet, while the adjoining property was allegedly affected only to an extent of 4 feet, disclosed arbitrariness and discriminatory treatment in violation of Article 14 of the

³ (1962) 2 SCR 69

⁴ (1978) 1 SCC 248

Constitution of India. According to the appellant, such differential treatment was occasioned on account of the representations and RTI applications submitted by him.

- vi) That no proceedings had been initiated under the RFCTLARR Act, 2013, or under any other statutory provision authorising deprivation of private property. Learned counsel placed reliance upon the RTI reply dated 04.04.2023, wherein it was stated that no compensation had been paid and that the affected property owners were voluntarily removing their structures. According to him, even where the purpose sought to be achieved is a public purpose, such as road widening or drainage construction, the State is bound to follow due process and cannot resort to forcible dispossession.
- vii) Learned counsel questioned the legal efficacy of the consent letter allegedly executed by the appellant's mother. It was submitted that the appellant had alone inherited the property from his father and that the appellant's mother had no authority to divest the appellant of his rights in the property. In any event, it was argued that such consent could not substitute a valid acquisition proceeding nor dispense with the obligation to pay compensation.
- viii) That the learned Single Judge erroneously proceeded as though the writ petition involved adjudication of disputed

title. The limited issue, according to the appellant, was whether the State could dispossess a person without following due process of law. Reliance was placed upon **A.P. Industrial Infrastructure Corporation v. Chinthamaneni Narasimha Rao**⁵, in support of the proposition that the State cannot take possession of property by force even where disputes exist.

- ix) That the learned Single Judge failed to exercise the jurisdiction vested in the Court to protect citizens against illegal State action. The observation that municipal tax receipts were insufficient to establish title was, according to him, beside the point, as those documents were relied upon only to establish possession and not ownership. It was therefore submitted that the distinction between possession and title was overlooked, resulting in an erroneous dismissal of the writ petition.

Submissions on behalf of the respondents

13. Learned Standing Counsel appearing for respondent No.3, and the learned Government Pleaders appearing for the State, supported the order passed by the learned Single Judge and advanced the following submissions:

⁵ (2012) 12 SCC 797

- i) That the writ petition was rightly dismissed as the appellant had failed to produce any document establishing title to the subject property. The municipal tax receipts and electricity service records relied upon by the appellant, according to the respondents, merely evidenced payment of taxes and utility charges and did not establish ownership. It was contended that, in the absence of satisfactory proof of title, the appellant was not entitled to the relief sought in the writ petition.
- ii) That the Municipal Corporation was undertaking road and drainage works in accordance with the sanctioned Master Plan and in furtherance of public interest. According to the respondents, the appellant had obstructed the free flow of drainage water, resulting in inconvenience to the residents of the locality. The action taken by the municipal authorities was stated to be in furtherance of public health, sanitation and implementation of public utility works.
- iii) By placing reliance upon the consent letter dated 09.01.2026 executed by the appellant's mother, Smt. Uppari Jamuna, expressing her willingness to alienate/gift the land required for the proposed road and drainage works in favour of the Municipal Corporation, it was alternatively contended that the said consent supported the action taken by the

authorities and militated against the appellant's challenge to the demolition.

- iv) That no illegality could be attributed to the actions of the municipal authorities. According to the respondents, the authorities were acting within the scope of their statutory powers while removing obstructions affecting public roads and drainage systems. It was further contended that the obstruction caused to the drainage channel warranted intervention by the municipal authorities.
- v) That the writ petition involved disputed questions relating to the title, identity and extent of the property, which could not appropriately be adjudicated in proceedings under Article 226 of the Constitution of India. It was contended that, insofar as such disputes were concerned, the appellant's remedy, if any, lay before the competent Civil Court.
- vi) That the appellant had failed to disclose material facts, including the alleged obstruction of the drainage channel and the consent letter executed by his mother. On that basis, it was contended that the appellant was not entitled to any discretionary relief in exercise of the writ jurisdiction of this Court.

14. We have taken note of the respective contentions urged and perused the material on record.

Consideration by this Court

15. In order to appreciate the controversy involved in the present appeal, it becomes necessary to examine the basis of the appellant's claim over the subject property admeasuring 221 Sq. Yds, situated at Hamaliwada, Mancherial. Though the appellant asserts ownership and possession, no title document standing in his name has been placed on record. An examination of the documents relied upon by the appellant reveals certain aspects which merit consideration as follows:

- i) Sale Deed dated 22.08.1995: The material placed on record indicates that a registered Sale Deed bearing Document No.2649 of 1995 dated 22.08.1995 was executed in favour of late Uppari Mallaiah, who is the father of the appellant. The recitals of the said document indicate that late Uppari Mallaiah acquired rights only to an extent of 126.75 Sq. Yds (approximately 106.15 Sq. Mts). The appellant seeks to trace his claim through the said acquisition and the subsequent Will Deed allegedly executed by late Uppari Mallaiah.
- ii) Will Deed dated 02.03.2020: The appellant seeks to derive title through a Will Deed dated 02.03.2020 allegedly executed by his late father, Uppari Mallaiah in his favour. A perusal of the material now placed on record indicates that late Uppari Mallaiah himself had acquired rights only to an

extent of 126.75 Sq. Yds (equivalent to approximately 106.15 Sq. Mts) under the document relied upon by the appellant. Significantly, the Will Deed is stated to have bequeathed an extent of 363 Sq. Mts or 434.14 Sq. yards in favour of the appellant, which is far in excess of the extent purchased by the father of the appellant.

iii) Tax Receipts and Electricity Records: The municipal tax receipts and electricity service records relied upon by the appellant may constitute material relevant to possession or occupation of the property. However, such documents, by themselves, do not constitute proof of title. Furthermore, the municipal records produced before the Court indicate the name of Smt. Uppari Jamuna in relation to the property. These documents neither conclusively establish ownership in favour of the appellant nor determine the precise extent and boundaries of the property claimed by him.

16. It is to be noted that, the extent purportedly bequeathed i.e., 363 Sq Mts. equivalent to 434.14 Sq. yards in Sy.No.373 is substantially in excess of the said land to an extent of 126.75 Sq. Yds = 106.15 Sq. Mts, which is allegedly acquired by the testator himself. It is a settled principle that a testator cannot bequeath a better title or a larger extent than what is vested in him. The apparent discrepancy between the extent acquired and the extent

bequeathed raises a serious question regarding the nature, extent and validity of the rights claimed under the Will and renders the appellant's claim susceptible to further scrutiny.

17. It is trite that a testamentary disposition cannot ordinarily operate beyond the extent of the rights vested in the testator. Therefore, when the very document relied upon by the appellant indicates that late Uppari Mallaiah had acquired only 126.75 Sq. Yds, the bequest of 360 Sq. Mts under the subsequent Will Deed remains wholly unexplained. This discrepancy constitutes a material circumstance which casts serious doubt on the appellant's claim and reinforces the conclusion that disputed questions relating to title and extent arise for consideration.

18. It is further pertinent to note that the Will Deed dated 02.03.2020, which constitutes the very foundation of the appellant's claim, was not placed before the learned Single Judge and has been produced for the first time in the present writ appeal along with the material papers without even seeking leave of the appellate Court.

19. The appellant has placed considerable reliance upon the doctrine of "settled possession" as expounded by the Hon'ble Supreme Court in **Krishna Ram Mahale** (supra 1) and **Rame Gowda** (supra 2). There can be no quarrel with the proposition that a person in settled possession cannot ordinarily be

dispossessed except by due process of law. The question, however, is whether the said principle advances the appellant's case on the facts of the present matter. In the present case, the dispute does not merely concern interference with possession. The appellant's claim to the subject property itself is founded upon an unregistered Will dated 02.03.2020. The existence and effect of the Will raise questions regarding the nature and source of the appellant's claim over the property.

20. Further, the impugned action arose in the course of implementation of Master Plan and clearing of encroachments over the road area and the drainage works undertaken by the Municipal Corporation pursuant to the Master Plan. The respondents have also placed on record the material indicating that the works were connected with public drainage and road infrastructure. In such circumstances, the issue cannot be examined solely from the perspective of possession divorced from the nature of the rights asserted and the context in which the impugned action was taken.

21. It is also pertinent to note that, while the appellant claims ownership and possession over an extent of 221 Sq Yds, the alleged demolition is confined to an extent of approximately 6½ feet from the existing road margin. No document delineating the precise boundaries or extent of the property allegedly affected has been placed on record. The photographs relied upon by the appellant

also do not conclusively establish the exact extent of the demolition or its correlation with the boundaries of the property claimed by him. Consequently, the material on record does not furnish a clear basis for determining the precise extent of the appellant's possessory or proprietary interest in the portion affected by the impugned action.

22. It is also to be noted that the present case involves disputed questions of fact and title which are not amenable to adjudication in proceedings under Article 226 of the Constitution of India. The appellant's claim to the subject property is founded upon an unregistered Will dated 02.03.2020, whereas the material placed on record also discloses a registered Sale Deed bearing Document No.2649 of 1995 dated 22.08.1995 executed in favour of his father, under which an extent of 126.75 Sq. Yds is stated to have been acquired. The effect of these documents, the nature and extent of the appellant's rights, the boundaries of the property claimed by him, the validity and effect of the consent letter dated 09.01.2026 issued by the mother of the appellant, and the circumstances surrounding the alleged obstruction to the drainage system are matters requiring detailed examination of facts and evidence.

23. The record further indicates that the respondents had attributed obstruction of the drainage channel to the appellant and had relied upon the consent letter dated 09.01.2026 executed by

his mother in relation to the land required for the road and drainage works. These aspects, coupled with the uncertainty surrounding the nature and source of the rights asserted by the appellant over the subject property, further reinforce the disputed factual matrix involved in the present case.

24. There can be no dispute that Article 300-A of the Constitution of India mandates that no person shall be deprived of his property save by authority of law and that any action affecting proprietary rights must conform to the requirements of law. However, in the present case, the appellant has failed to establish a clear and undisputed right in respect of the portion of property allegedly affected by the impugned action. As discussed hereinabove, the material on record discloses substantial disputes regarding the appellant's title, the extent and boundaries of the property claimed by him, and the nature of his interest therein. On the other hand, the respondents have placed reliance upon the Master Plan, field inspection reports and the consent letter dated 09.01.2026 executed by the appellant's mother in relation to the proposed road and drainage works. In the aforesaid circumstances, no case is made out for interference by this Court to exercise its writ jurisdiction on the ground of alleged violation of Article 300-A of the Constitution of India or the principles of natural justice.

25. At this juncture, it would be appropriate to extract Section 405 of the Greater Hyderabad Municipal Corporation Act, 1955, which reads as under:

Section 405. Commissioner may without notice, remove any thing erected, deposited or hawked or exposed for sale in contravention of Act.

- The Commissioner may, without notice, cause to be removed -

(a) any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture which shall be erected or set up in or upon or over any street, any open channel, drain, well or tank contrary to the provisions of this Act;

(b) any stall, chair, bench, box, ladder, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended, in, upon, from or to any place in contravention of this Act;

(c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

(Emphasis supplied)

A plain reading of the said provision reveals that it empowers the Commissioner to remove, without notice, any structure, fixture or obstruction erected or placed upon a street, open channel or drain in contravention of the provisions of the Act. In the present case, the respondents have submitted that the appellant had obstructed the drainage channel and that the impugned action was undertaken in connection with the implementation of the road and drainage works forming part of the Master Plan. The statute itself authorizes the removal of any obstruction without issuance of a prior notice. In such circumstances, it cannot be said that the respondents acted

without authority of law. Consequently, the appellant's plea of violation of Article 300-A of Constitution of India and the principles of natural justice cannot be accepted.

26. The High Court for the Andhra Pradesh in ***Jubilee Hills Labour Welfare Association and others v. Municipal Corporation of Hyderabad and others***⁶ has held as under:

15. Section 405 of the Act empowers the Commissioner to remove anything, which is erected, deposited or hawked or exposed for sale in any street in contravention of the Act, without issuance of any notice. The deviation from the normal procedure of issuance of notice appears to be on account of the fact that no individual has any right to occupy or squat on a road or its margins and pavements. The requirement of issuance of notice, be it under the statute or under the principles of natural justice, is for the purpose of adjudication of the claims or rights of the affected persons. Since no claim needs to be adjudicated as to the right of a person who squats on the street or its margins and pavements, the Commissioner is vested with the power to curb such unauthorized and illegal activities and clear the places without the necessity of issuing any notice.

27. Moreover, the material placed on record indicates that the works undertaken by the respondents relate to stabilization of road and drainage infrastructure intended for public use. The respondents have also asserted that the appellant had obstructed the drainage channel, resulting in inconvenience to the residents of the locality and affecting the free flow of drainage water. In such circumstances, the impugned action cannot be viewed in isolation from the larger public purpose sought to be achieved through the implementation of road and drainage infrastructure.

⁶ 2003 (6) ALD 790

Conclusion

28. For the foregoing reasons, this Court is of the considered view that the appellant has failed to establish any ground warranting interference with the order passed by the learned Single Judge. The material placed on record does not establish a clear and undisputed right in favour of the appellant in respect of the subject property, nor has a satisfactory explanation been furnished regarding the documents relied upon by him. Therefore, the impugned order dated 06.03.2026 passed in W.P.No.6962 of 2026 does not suffer from any factual or legal infirmity warranting interference in exercise of appellate jurisdiction.

29. Accordingly, the Writ Appeal is dismissed.

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

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

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SECTION OFFICER

To,

1. One CC to Sri Kondadi Ajay Kumar, Advocate [OPUC]
2. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CCs to the GP for Revenue, High Court for the State of Telangana, at Hyderabad[OUT]
4. One CC to Sri Krishna Reddy Putta, SC[OPUC]
5. Two CD Copies

TJ

Ys

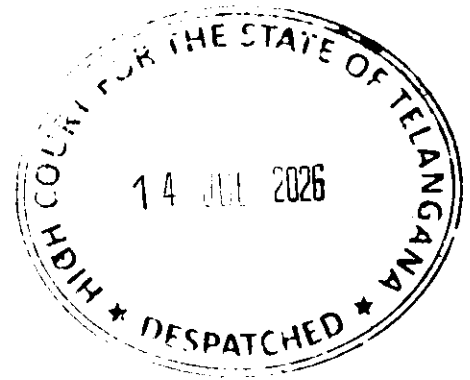
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HIGH COURT

DATED: 17/06/2026

JUDGMENT

WA.No.590 of 2026



DISMISSING THE WRIT APPEAL

WITHOUT COSTS

9 copies
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