

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

FRIDAY, THE THIRTIETH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY TWO

:PRESENT:

**THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI**  
**WRIT PETITION NO: 46573 OF 2022**

**Between:**

1. Ashi Lachaiah @ Aashi China Lachaiah, S/o. late Jangaiah, Aged 83 years, Occ: Agricultural coolie, Resident of 3-80, Nizampet (V), Bachupally (M), Medchal Malakjiri District.
2. Ashi Mallesh, S/o Lachaiah, Aged 47 years, Occ: Agricultural coolie, Resident of 3-80, Nizampet (V), Bachupally (M), Medchal Malakjiri District.
3. Ashi Narasinga Rao, S/o Lachaiah, Aged 45 years, Occ: Agricultural coolie, Resident of 3-80, Nizampet (V), Bachupally (M), Medchal Malakjiri District.
4. Ashi Suresh, S/o Lachaiah, Aged 42 years, Occ: Agricultural coolie, Resident of 3-80, Nizampet (V), Bachupally (M), Medchal Malakjiri District.
5. Ashi Navaneetha, D/o Lachaiah, Aged 38 years, Occ: Agricultural coolie, Resident of 3-80, Nizampet (V), Bachupally (M), Medchal Malakjiri District.

**...Petitioners**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Department of Municipal Administration and Urban development (MA & UD), Secretariat Buildings, Hyderabad.
2. The Nizampet Municipal Corporation, Rep. by its Commissioner, Nizampet.

**...Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus directing the 2nd Respondent not to dispossess the petitioners from their land in Survey No. 83 & 84 to the extent of Ac.2.00 in Nizampet, Bachupally (M), Medchal Malakajiri District under the limits of 2nd Respondent Corporation in pursuance of Interim Order in WPMP No. 52042 of 2017 in 41968/2017 dt.15/12/2017 in the interest of justice by declaring Respondents arbitrary action is being illegal, unwarranted and violative of Articles 14, 21 and 300-A of the Constitution of India;

**IA NO: 1 OF 2022**

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 direct the 2nd Respondent not to dispossess the petitioners from the land in survey No. 83 & 84 extent of Ac.2.00 in Nizampet village, Bachupally Mandal, Medchal Malakajiri District.

Counsel for the Petitioner: SRI. RAMANA ALLU

Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent No.2: SRI B JAGAN MADHAV RAO (Standing

Counsel for Municipality)

The Court made the following: ORDER

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION No.46573 of 2022**

**ORDER:**

The writ petition is filed seeking the following relief:

"... to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus directing the 2<sup>nd</sup> Respondent not to dispossess the petitioners from their land in Survey No.83 and 84 to the extent of Ac.2.00 in Nizampet, Bachupally (M), Medchal Malakajgiri District under the limits of 2<sup>nd</sup> Respondent Corporation in pursuance of Interim Order in WPMP No.52042 of 2017 in 41968/2017 dt. 15.12.2017 in the interest of justice by declaring Respondents arbitrary action is being illegal, unwarranted and violative of Articles 14, 21 and 300-A of the Constitution of India and ....".

2. Mr. Ramana Allu, learned counsel for the petitioners submits that in view of the interim orders passed in W.P.No.41968 of 2017 on 15.12.2017, the respondents were directed not to dispossess the petitioners therein. According to the petitioner, in spite of the said order, the respondents are going to dispossess the petitioner. Hence, the petitioners are constrained to approach this court.

3. Mr. B. Jagan Madhav Rao, learned standing counsel for the respondent municipality submits that they are not interfering with the petitioners possession.

4. Recording the said submission of the learned standing counsel, the writ petition is disposed of directing the respondents not to interfere with the possession of the petitioners without following the due process. There shall be no order as to costs.

The Miscellaneous Applications, if any shall stand automatically closed.

SD/-L. SHIVA PARVATHI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Municipal Administration and Urban development (MA & UD), State of Telangana, Secretariat Buildings, Hyderabad.
2. The Commissioner, Nizampet Municipal Corporation, Nizampet.
3. One CC to SRI. RAMANA ALLU Advocate [OPUC]
4. One CC to SRI. B JAGAN MADHAV RAO, Standing Counsel for Municipality, High Court for the State of Telangana, Hyderabad. [OPUC]
5. Two CCs to SP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana, Hyderabad. [OUT]
6. Two CD Copies

HIGH COURT

LK.J

DATED:30/12/2022



ORDER

WP.No.46573 of 2022

WRIT PETITION IS DISPOSED OF  
WITHOUT COSTS