

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT APPEAL NO: 1028 OF 2023

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order
Dated 16/08/2023, in W.P. No. 12521 of 2020 on the file of the High Court.

Between:

Uppala Lakshmi, W/o Late Uppala Bikshapathy, Aged about 76 years, Occ.
Agriculture, R/o Venkatapuram village and Mandal, Mulugu District (the then
Khammam Dist.

...APPELLANT/RESPONDENT No.5

AND

1. Uppala Krishna Murthy, S/o Raghavendram, Aged about 69 years, Occ.
Agriculture R/o Venkatapuram Village and Mandal Mulugu District (the then
Khammam Dist)

...RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep. by its Prl. Secretary, Revenue Department,
Secretariat Buildings, Hyderabad.
3. The District Collector, Mulugu District at Mulugu.
4. The Revenue Divisional Officer, Mulugu Division, Mulugu District.
5. The Tahsildar, Venkatapuram Mandal, Mulugu District.

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2023

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 order dated 16/08/2023 in W.F. No.12521 of 2020,
pending disposal of the Writ Appeal.

Counsel for the Appellant: SRI M.V. PRAVEEN KUMAR

Counsel for the Respondent No.1: SRI MUMMANENI SRINIVASA RAO

**Counsel for the Respondent No.2 to 5: SRI T. SRIKANTH REDDY,
GP FOR REVENUE**

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT APPEAL No.1028 of 2023

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. M.V.Praveen Kumar, learned counsel for the appellant.

Mr. Mummaneni Srinivasa Rao, learned counsel for respondent No.1.

Mr. T.Srikanth Reddy, learned Government Pleader for Revenue for respondents No.2 to 5.

2. With the consent of the parties, the writ appeal is heard finally.

3. This intra court appeal has been filed against the order dated 16.08.2023 passed by the learned Single Judge by which the writ petition preferred by respondent No.1, namely W.P.No.12521 of 2020, has been allowed and the action of the District Collector, Mulug District, in entertaining the complaint filed by the appellant has been

held to be illegal. Respondents No.3 to 5 herein have been directed not to interfere with the peaceful possession and enjoyment of respondent No.1 over the land in Survey No.34/1 measuring Ac.1.62½ cents situated at Venkatapuram Village and Mandal, Mulug District, without due process of law.

4. Facts giving rise to filing of this writ appeal briefly stated are that there is a dispute with regard to title of the subject land between respondent No.1 and the appellant. It is also not in dispute that the appellant had filed O.S.No.97 of 2017 seeking the relief of permanent injunction. In the said suit, an application for temporary injunction was also filed, which was rejected by the trial Court by an order dated 08.11.2017. It is also not in dispute that the appellant did not challenge the aforesaid order and the order rejecting the application for grant of injunction has attained finality. Thereafter, it appears that on the basis of the complaint made by the appellant, a criminal case for the offence under Sections 447 and 324 of IPC has been registered against respondent No.1.

Thereafter, the appellant submitted a complaint to the District Collector, Mulug, on 13.07.2020 in which it was stated that respondent No.1 along with his followers is threatening to dispossess the appellant from the land in question. Thereupon, respondent No.1 filed the writ petition before this Court. The learned Single Judge allowed the writ petition and the action of the District Collector, Mulug District, in entertaining the complaint filed by the appellant has been held to be illegal.

5. In the aforesaid factual background, this writ appeal has been filed.

6. Learned counsel for the appellant submitted that no orders have been passed on the complaint submitted by the appellant to the District Collector, Mulug, and therefore no cause of action has accrued to respondent No.1 to approach the learned Single Judge by filing the writ petition.

7. On the other hand, learned counsel for respondent No.1 has supported the order passed by the learned Single Judge.

8. We have considered the submissions made on both sides.

9. In the instant case, the appellant filed a complaint on 13.07.2020 to the District Collector, Mulug. Admittedly, on the aforesaid complaint, no orders have been passed.

10. Therefore, in the facts and circumstances of the case, the order dated 16.08.2023 passed by the learned Single Judge is modified and it is directed that the District Collector, Mulug, shall hear the appellant as well as respondent No.1 before passing any order on the complaint dated 13.07.2020, which has been filed by the appellant.

11. To the aforesaid extent, the order passed by the learned Single Judge is modified and the writ appeal is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR
GD
SECTION OFFICER

To, The Prl. Secretary, Revenue Department, The State of Telangana, Secretariat

1. The Prl. Secretary, Revenue Department, The State of Telangana, Secretariat Buildings, Hyderabad.
2. The District Collector, Mulugu District at Mulugu.
3. The Revenue Divisional Officer, Mulugu Division, Mulugu District.
4. The Tahsildar, Venkatapuram Mandal, Mulugu District.
5. One CC to SRI M.V. PRAVEEN KUMAR, Advocate [OPUC]
6. One CC to SRI MUMMANENI SRINIVASA RAO, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

BN
GJP

HIGH COURT

DATED:31/10/2023

JUDGMENT

WA.No.1028 of 2023



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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C. M. T. 06/10/2023*