

**HIGH COURT FOR THE STATE OF TELANGANA**

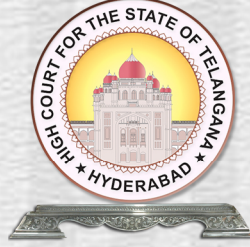
# e-Newsletter

**Volume V – Issue 4**

(Oct 2023 – Dec 2023)







**HON'BLE THE CHIEF JUSTICE**

**HONOURABLE THE CHIEF JUSTICE ALOK ARADHE**

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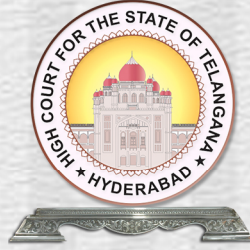
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## *FOREWORD*

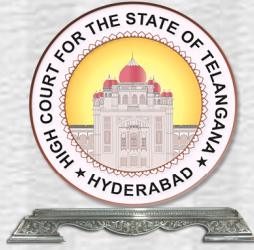
*This quarter has begun with the launching of e-filing 3.0 portal by The Hon'ble Chief Justice, High Court for the State of Telangana, aimed at streamlining legal proceedings embracing digital transformation. Further, High Court has initiated Judicial Digital repositories of its records.*

*The State Judiciary has also witnessed creation of 57 new courts in various categories.*

*The Highlight of this quarter is the State Government allotting 100 acres of land in Rajendranagar for construction of new **High Court Building**.*

*Honourable Smt. Justice Maturi Girija Priyadarsini*





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**HON'BLE JUDGES OF THE HIGH COURT**

**HON'BLE THE CHIEF  
JUSTICE**



**Sri Justice Alok Aradhe**



**Hon'ble Sri Justice  
P. Sam Koshy**



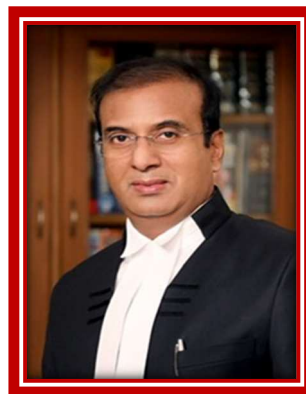
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**Hon'ble Sri Justice  
T. Vinod Kumar**



**Hon'ble Sri Justice  
K. Lakshman**



**Hon'ble Sri Justice  
B. Vijaysen Reddy**



**Hon'ble Sri Justice  
M. Laxman**





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P. Sree Sudha**



**Hon'ble Dr. Justice  
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**Hon'ble Dr. Justice  
G. Radha Rani**



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**Hon'ble Mrs. Justice  
Surepalli Nanda**





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Pulla Karthik**



**Hon'ble Sri Justice  
K.Sarath**





**Hon'ble Sri Justice  
J Sreenivas Rao**



**Hon'ble Sri Justice  
Namavarapu Rajeshwar  
Rao**



**Hon'ble Sri Justice  
Laxmi Narayana Alishetty**



**Hon'ble Sri Justice  
Anil Kumar Jukanti**



**Hon'ble Smt Justice  
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## EVENTS OF THE HIGH COURT

### Inauguration of Digitization wing in the High court



Digitization Wing was inaugurated by Hon'ble Sri Justice Alok Aradhe, the Chief Justice, High Court for the State of Telangana in the august presence of all the Hon'ble Judges of the High Court for the State of Telangana on 19<sup>th</sup> Oct 2023. Digitization Wing was established with an objective to digitize all the case records in the High Court, so that the digitized records can be stored for the life time and can easily be retrieved whenever required.



## Farewell to the Hon'ble Judges of the High Court for the State of Telangana



The High Court for the State of Telangana bid farewell to Hon'ble Sri Justice M. Laxman, Judge, High Court for the State of Telangana on the eve of his Lordship's transfer as a Judge of Rajasthan High Court on 30.10.2023



The High Court for the State of Telangana bid farewell to Hon'ble Smt. Justice Gunnu Anupama Chakravarthi, Judge, High Court for the State of Telangana, on the eve of her Lordship's transfer as a Judge of Patna High Court on 30.10.2023







The High Court for the State of Telangana bid farewell to Hon'ble Dr. Justice Chillakur Sumalatha, Judge, High Court for the State of Telangana, on the eve of her Lordship's transfer as a Judge of Karnataka High Court on 20.11.2023.



The High Court for the State of Telangana bid farewell to Hon'ble Sri Justice Mummineni Sudheer Kumar, Judge, High Court for the State of Telangana on the eve of his Lordship's transfer as a Judge of Madras High Court on 20.11.2023.





## SOME OF THE IMPORTANT JUDGMENTS DELIVERED BY THE HON'BLE JUDGES OF THIS HIGH COURT

### HON'BLE THE CHIEF JUSTICE

**Acts/Rules:** Constitution of India; The Andhra Pradesh Housing Board Act, 1956 & Telangana Urban Areas (Development) Act, 1975 etc.

**Case Details:** P. Venkateshwarlu and another **Vs** Government of Andhra Pradesh, Rep. by Secretary, Municipal Administration, Secretariat Buildings, Hyderabad, and others in WP 12538 of 1999 and 25738 of 1997 ([Click here for full Judgment](#))

**Date of Judgment:** 04.10.2023.

**Facts:** In both the writ petitions, the grievance of the petitioners is about construction of multi-storeyed commercial complex by the respondent Nos.5 and 6 in the open space admeasuring 600 sq. yards, which was earmarked for a park in Plot Nos.S1 and S2 of Indian Airlines Employees Housing Colony, located in Sy.No.194/11 of Begumpet Village, Ranga Reddy District. The petitioners have also prayed for a direction to the respondent Nos.3 and 4 to demolish the aforesaid structure raised by the respondent Nos.5 and 6.

**Held:** (i) Permit No.50/49 of 1996 dated 03.01.1997 granted in favour of Indian Airlines Employees Housing Society by the Municipal Corporation of Hyderabad in File No.10/TP7/CCP/96 for construction of commercial complex on the land reserved for park in survey No.194/11, Paigah Lands, Begumpet, Ranga Reddy District, is set aside and quashed.

(ii) The respondent Nos.5 and 6 in W.P.No.12538 of 1999 (Mr. P.Ravi Kumar and Mr. M.F.Peter) are directed to carry out the work of demolition of commercial complex constructed on land measuring 600 square yards in survey No.194/11 in plot Nos.S1 and S2 in Indian Airlines Housing Colony, Begumpet, Ranga Reddy District.

(iii) The aforesaid demolition work shall be carried out by respondent Nos.5 and 6 in W.P.No.12538 of 1999 at their own cost under the supervision of officials of Telangana Housing Board and Hyderabad Metropolitan Development Authority (HMDA).

(iv) The Hyderabad Metropolitan Development Authority (HMDA) shall nominate an expert under whose overall supervision the demolition work shall be carried out by respondent Nos.5 and 6 in W.P.No.12538 of 1999.





(v) The entire expenses including the cost of demolition and incidental expenses including the fee payable to the expert nominated by the officials of HMDA shall be borne by respondent Nos.5 and 6.

(vi) The respondent Nos.5 and 6 in W.P.No.12538 of 1999 shall carry out the demolition work within a period of three months from the date of this order.

(vii) HMDA is directed to develop the land measuring 600 square yards in survey No.194/11 in plot Nos.S1 and S2 in Indian Airlines Housing Colony, Begumpet, Ranga Reddy District as a park, and

(viii) Needless to state that occupants, if any, of the building shall be at liberty to take recourse to the remedy available to them in law, with regard to their grievance against respondent Nos.5 and 6 in W.P.No.12538 of 1999.



## **HON'BLE SRI JUSTICE P. SAM KOSHY**

**Acts/Rules:** Finance Act; G.S.T. law etc.

**Case Details:** Care College of Nursing and others. **Vs** Kaloji Narayana Rao University of Health Sciences, Rep by its Registrar, and others etc. **in** Writ Petition Nos.34617 of 2022, 26565, 26654, 26656, 26658, 26659, 26661, 26663, 26688, 26766, 26776, 26779, 26790, 26793, 27316, 27318, 27321, 27326, 27341, 27377, 27405, 27420, 27429, 27456, 27458, 27460, 27461, 27462, 27463, 27465, 27467, 27468, 27469, 27472 and 27475 of 2023. ([Click here for full Judgment](#))

**Date of Judgment:** 17.10.2023.

**Facts:** This batch of writ petitions are filed by the educational institutions assailing the demand notice raised by the 1st respondent-University so far as payment of G.S.T. on the affiliation fee and inspection fee together with arrears from July, 2017 onwards.

**Held:** The Constitution Bench decision of the Hon'ble Apex Court rendered in the case of Commissioner of Customs (Import), Mumbai vs. M/s. Dilip Kumar and Company (2018) 9 S.C.C. 1 (F.B.) (S.C.), dealing with the situation where there is any doubt or confusion so far as claiming of exemption is concerned (though there is none in the present writ petition so far as this Bench is concerned) the Hon'ble apex Court held at para Nos.48 to 51.



Relying upon the constitutional decision of the Hon'ble Apex Court also, we are of the firm view that firstly, the Notification No.12 of 2017, dated 28.06.2017, cannot be made applicable upon inspection and affiliation fees charged by the 1st respondent-University from the educational institutions. Secondly, since so far as inspection and affiliation fees charged by the 1st respondent-University from the educational institutions has not been specifically exempted in terms of the Constitution Bench judgment in M/s. Dilip Kumar and Company ((2018) 9 S.C.C. 1 (F.B.) (S.C.)), the said benefit cannot be extended to the petitioners. As regards the two decisions rendered by the Karnataka High Court in M/s. Rajiv Gandhi University of Health Sciences (W.P.No.57941 of 2018, decided on 26.07.2022) and in M/s. Bangalore University (W.P.No.112 of 2019, decided on 26.07.2022), which was heavily relied upon by the learned counsel for the petitioners, we are in complete agreement to the contentions raised by the learned counsel for the respondent Department that the learned Single Judge of the Karnataka High Court while passing orders in the aforesaid two decisions, has relied upon the provisions of Finance Act, 1994 (Clause 66D). Sub-Clause (I) of Clause 66D of the Finance Act, 1994 which in fact, first of all, stood omitted by the Finance Act, 2016 w.e.f. 14.05.2016. Secondly, what also needs to be mentioned is that under the G.S.T. law there is no such provision as Sub-Clause (11) of Clause 66D of the Finance Act. Therefore, we are inclined to respectfully disagree with the view taken by the Karnataka High Court in the aforesaid two decisions. Therefore, the said decisions are distinguishable in facts and law.

For all the aforesaid reasons, we do not find any substance in the contentions raised by the learned counsel for the petitioners. Accordingly, the Writ Petition No.34617 of 2022 stands dismissed.



### **HON'BLE SRI JUSTICE T. VINOD KUMAR**

**Acts/Rules/Case Law:** Constitution of India & M.Naveen Kumar v. State of Telangana (Order dt.28.12.2021 in WA.No.597 of 2020)

**Case Details:** Katroth Pradeep Rathod Vs The Bar Council of India in W P 45880of 2022 & Batch. ([Click here for full Judgment](#))

**Date of Judgment:** 20.10.2023.

**Facts:** In all these Writ Petitions, it is the common case of the petitioners that after completing 10+2 education from the respective Education Boards, the petitioners have





obtained their graduation degrees by pursuing their studies through open university/distance education mode in the respective courses viz., commerce, arts, etc.,

It is the further case of the Petitioners that after obtaining their graduation degrees by the above process, the petitioners have secured admission into regular 3 year L.L.B (Bachelor of Law) course in various colleges affiliated to the respective universities, and pursued the same; and that after obtaining their L.L.B., degrees, they have made application to register themselves as Advocates on the Rolls of the Bar Council for the State of Telangana.

It is also the further case of the petitioners that in spite of obtaining their L.L.B. degrees from the colleges recognized by the State Bar Council and affiliated to respective universities, their applications seeking enrolment as an advocate are not being processed on the ground that the petitioners do not possess a degree of the qualifying examination by a regular course of study, for seeking admission into the 3 year L.L.B. course.

Petitioners contend that the graduation degrees obtained by them through open university/distance education mode, on the basis of which admission was sought into 3 year L.L.B. course, were courses which had prior approval from UGC; and that the said courses pursued by them are treated as an equivalent to possessing a regular degree. Therefore, the action of the respondents/State Bar Council in denying the petitioners of the registration on the rolls of Bar Council of Telangana as an Advocate is highly illegal, arbitrary, discriminative and also in violation of Article 14 of the Constitution of India.

**Held:** In the facts of the present case, since the petitioners have completed 3 years L.L.B. course without even fulfilling the eligibility criteria for seeking admission into L.L.B. course, they can neither claim to be in a better position than the appellant in *M.Naveen Kumar v. State of Telangana* (Order dt.28.12.2021 in WA.No.597 of 2020) as it is not open for them to contend that they were not aware of the prescription/eligibility criteria specified under the Act before seeking admission nor claim any equities having pursued the course without meeting the eligibility criteria.

For the aforesaid reasons, this Court is of the view that all these Writ Petitions as filed into the Court are devoid of any merit, and are liable to be dismissed.

Accordingly, all these Writ Petitions are dismissed. No order as to costs.

Before parting with the case, we wish to put on record that the Bar Council for the State of Telangana, is entrusted with the responsibility to implement the rules framed by the Bar Council of India relating to legal education in order to ensure that standards



of legal education are maintained. Needless to say that the State Bar Council is also conferred with the power to monitor and regulate the colleges wherein academic programmes of L.LB are being provided. Thus, the Bar Council for the State of Telangana is expected to ensure that colleges do not admit candidates who fail to fulfil the eligibility criteria into the courses of law, thereby unnecessarily creating a hope in such candidates of being eligible for registering on the rolls of the Bar Council and make a professional carrier for themselves at a later stage.



### **HON'BLE SRI JUSTICE K. LAKSHMAN**

**Acts/Rules:** Civil Procedure Code, Constitution of India etc

**Case Details:** Gandhi Ajith Vs Godavarthi Nageswara Rao and others in CRP No. 1969 of 2023 ([Click here for full Judgment](#))

**Date of Judgment:** 13.10.2023.

**Facts:** This revision is filed under Article - 227 of the Constitution of India challenging the order dated 06.06.2023 in I.A. No.1 of 2023 in O.S. No.8 of 2018 passed by I Additional District Judge, Khammam, dismissing the petition filed under Order - I, Rule 10 (2) of C.P.C.

**Held:** The petitioner herein who is not vigilant and who is not a party to the agreement of sale dated 19.05.2016, having obtained consent decree on 27.11.2017, cannot claim that he has interest over the suit schedule property and he is necessary and proper party to the same. He failed to show a fair semblance of title or interest over the suit schedule property. He has set up the said claim relying on oral partition dated 05.10.1998 followed by confirmation of the oral partition dated 17.01.2000. Whereas, respondents 1 and 2/plaintiffs are relying on oral partition dated 05.10.1998 confirmation of the oral partition deed obtained by the 3rd respondent from his family members vide registered document No.8014 of 2014 dated 05.11.2014 showing that there is a partition of joint family property. The said partition of the suit schedule properties among V.P.S.A. Velayutha Nadar and Company, Sundara Vathanan A.N.S., A.N.S.A. Eswari and A.N.S.S.Vadhana and the 3rd respondent herein. It is a registered partition. The said property is a joint family property and not ancestral property. As claimed by the petitioner herein. After partition of the property, 3rd respondent herein became the absolute owner. Considering the said facts only, the Court below vide impugned order dated 06.06.2023 dismissed the said application. It is a reasoned order





and well founded and it does not require interference by this Court exercising its supervisory jurisdiction under Article 227 of the Constitution of India.



## HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

**Acts/Rules:** Telangana Panchayat Raj Act, 2018, etc.

**Case Details:** Burla Vishnu Vs State of Telangana in W P No 14667 of 2023. ([Click here for full Judgment](#))

**Date of Judgment:** 20.10.2023.

**Facts:** Sivunipally Gram Panchayat comprises of 14 wards. Election notification was issued on 12.01.2019 for conducting elections of Sivunipally Gram Panchayat along with other Gram Panchayats in the State of Telangana. However, elections were not held to the post of Sarpanch and 14 ward members as no nominations were filed. None of the villagers, except the petitioner, was interested in contesting to the post of Sarpanch and 14 ward members, as they were agitating against the Government authorities for not undertaking development activities in the village. Second election notification was issued on 12.02.2019 for conducting elections to the Sivunipally Gram Panchayat. The petitioner filed nomination on 16.02.2019 to the post of Ward Member for Ward No.8 and he was declared as elected by a majority of 43 votes over his rival candidate, Smt. Gandla Jyothi, on 28.02.2019.

It is stated that the petitioner was issued Form No.XXIX by the Returning Officer as "duly elected Ward Member of the Gram Panchayath" and since then, the petitioner continued as ward member. The post of Sarpanch and other ward members remained vacant and no steps were taken by the respondent authorities to conduct elections to the said vacant posts. The respondent No.2 appointed respondent No.5-Divisional Panchayat Officer as Special Officer of the Gram Panchayat on 10.06.2020 by relieving previous in charge Special Officer i.e. Assistant Director of Agriculture.

**Held:** It is clear from Section 38(3) of the Act that a ward member can be appointed as a temporary Sarpanch to perform functions of a Sarpanch when office of Sarpanch and office of Upa-Sarpanch is vacant, until Sarpanch or Upa-Sarpanch is declared elected or who are suspended or recovers from his incapacity, as the case may be. The contention of the learned Government Pleader that the Gram Panchayat would be deemed to be validly constituted only if elections are conducted to the post of Sarpanch and all the 14 ward members and the petitioner, being a lone ward member,



cannot claim for appointment as temporary Sarpanch and this would amount to declaring the petitioner, lone ward member, as Gram Panchayat, though appears to be logical and valid at the first blush, on a close scrutiny of Section 38 of the Act, such argument is held to be unsustainable.

It is stated by the respondent No.2 in the impugned order that as per Section 2(14) of the Act, Gram Panchayat means a body constituted for local administration of a village under the Act and a body means more than one person and a single person cannot become a body. For whatever reasons, elections were not conducted to the post of Sarpanch and 13 ward members and the respondent authorities have not taken steps to conduct elections. Thus, the post of Sarpanch and Upa-Sarpanch continued to be vacant. In their wisdom the respondents went ahead and conducted election to ward No.8 wherein the petitioner contested and declared as elected. Thus, it cannot be said that the petitioner, though elected, would have no role to play in the Gram Panchayat. An election to constitute a panchayat shall be conducted in terms of Article 243 E of the Constitution of India. The object of insertion of Part IX of the Constitution [Articles 243 to 243(o)] was to decentralise democratic set ups at the grassroots level and promote local self-Government at various levels. By not conducting election to the vacant post of Sarpanch and 13 ward members, the respondents failed to discharge the Constitutional mandate and they cannot take advantage of their own wrong.

Learned Government Pleader has not referred to any provision of law or judicial precedent to support his contention that a lone elected ward member of a Gram Panchayat cannot be appointed as temporary Sarpanch. Hence, the impugned order is arbitrary and against the spirit of Part-IX of the Constitution of India.

In view of the above, the writ petition is allowed and the impugned order dated 04.05.2023 is set aside. The respondent No.2 is directed to appoint the petitioner as Temporary Sarpanch until the posts of Sarpanch and Upa-Sarpanch are filled. However, in the peculiar facts and circumstances of the case, all cheques to be signed by the petitioner shall be counter-signed by the respondent No.5.



**HON'BLE SMT. JUSTICE P. SREE SUDHA**

**Acts/Rules:** Negotiable Instrument Act; Specific Relief Act etc.

**Case Details:** J Kashi Reddy Vs G. Muralidhar Reddy in AS No 1006 of 2016. ([Click here for full Judgment](#))





**Date of Judgment:** 02-11-2023.

**Facts:** This appeal is filed by the defendant aggrieved by the judgment and decree, dated 06.09.2016, passed in O.S.No.85 of 2014 on the file of the Principal District Judge, Mahabubnagar.

Appellant herein is defendant and the 1st respondent herein is plaintiff in the suit. The parties will be referred to as arrayed before the trial Court.

The backdrop of the case leading to filing of this appeal is as under:

One Muralidhar Reddy (Plaintiff) filed the suit against one J.Kashi Reddy (defendant) for specific performance of agreement of sale dated 08.07.2013.

**Held:** In view of the compromise entered into between the parties, the criminal case was withdrawn as per Ex.A5- order dated 08.07.2013 in C.C.No.80 of 2013 on the file of the V-Special Magistrate, Hasthinapuram, L.B. Nagar, Ranga Reddy District. A joint Memo under Ex.A6 was also filed by both the parties, in which, it was stated that the accused (defendant) agreed to pay Rs.25,00,000/- to the complainant (plaintiff) with a condition to withdraw the complaint, out of which Rs.1,00,000/- has to be paid on 05.08.2013; Rs.12,00,000/- on 20.01.2014 and the remaining amount of Rs.12,00,000/- on 20.08.2014. In the said joint memo, it was also mentioned that the defendant has also executed an agreement of sale in respect of the suit schedule property towards security of the said balance amount and if the defendant fails to pay the said instalments, the plaintiff is entitled to implement the said agreement of sale by initiating the relief of specific performance before the Court of law. On the same day of suit agreement i.e., on 08.07.2013, the plaintiff executed Ex.B1-agreement in favour of the defendant, in which it was stated that the defendant was due to a sum of Rs.24 lakhs to the plaintiff and it was payable within 14 months from the date of agreement and in the said period of 14 months, loan amount of Shriram Finance has to be cleared and on payment of Rs.24 lakhs, the agreement of sale executed by the defendant will be returned. In Ex.B1, it was mentioned that in case the defendant fails to pay the said amount within the stipulated time, the land should be registered in favour of the plaintiff as per the market value. The contention of the defendant is that he is ready and willing to execute the registered sale deed in favour of the plaintiff at the prevailing market value. The plaintiff (P.W.1) in his cross-examination stated that the last three and half lines in Ex.B1-agreement executed by him in favour of the defendant were added subsequently by the defendant. However, the plaintiff clearly stated that he is not willing to purchase the suit schedule property at the present market value. Admittedly, there was variance regarding the present market value of the land and the sale consideration of Ex.A1-agreement of PSS, J A.S.No.1006 of 2016 22 sale dated 08.07.2013 executed by the defendant in favour of the plaintiff. The trial Court rightly dismissed the counterclaim put forth by the defendant as it is not made



out. Admittedly, no appeal has been preferred against the rejection of the counter-claim of the defendant. Clause (4) of Ex.A6- joint memo clearly indicates that the defendant has also executed Ex.A1-agreement of sale dated 08.07.2013 in favour of the plaintiff in respect of the suit schedule property towards security of the balance amount and if the defendant fails to pay the said amount, the plaintiff is entitled to implement the said agreement of sale by initiating the relief of specific performance before the Court of law. As the defendant failed to pay the amount of Rs.24,00,000/- within the stipulated time, he was directed to execute the registered sale deed in favour of the plaintiff in respect of the suit schedule property. The defendant, who was examined as D.W.1, admitted in his cross-examination that on 08.07.2013, he has executed Ex.A1-agreement of sale by agreeing to the terms and conditions therein. As per Ex.A1-agreement of sale, the trial Court had rightly decreed the suit of the plaintiff. Therefore, this Court finds no reason to interfere with the impugned judgment of the trial Court as it does not suffer from any infirmity or illegality.



## **HON'BLE DR. JUSTICE G. RADHA RANI**

**Acts/Rules:** Evidence Act, Forest Act etc.

**Case Details:** The State of Andhra Pradesh Rep. by the District Collector, Mahabubnagar District and another **Vs** Smt. G.Geetha in A S No 148 of 2012. ([Click here for full Judgment](#))

**Date of Judgment:** 03.10.2023.

**Facts:** This appeal is preferred by the Government Pleader (for short "GP") for Appeals, High Court of Andhra Pradesh, Hyderabad against the order and decree passed in O.S.No.4 of 2008 on the file of the I Additional Senior Civil Judge (Fast Track Court), Mahabubnagar, dated 10.10.2011.

The suit was filed by the plaintiffs initially for grant of permanent injunction and subsequently amended seeking the relief of declaration of title and consequential relief of permanent injunction. The plaintiff No.1 is the elder sister of plaintiff No.2. The suit schedule property was Ac.12-27gts.in Survey No.46, Hanwada Mandal, Mahabubnagar District. The suit schedule "A" land was to an extent of Ac.10-00gts. in Survey No.46 and suit schedule "B" land was to an extent of Ac.2-27gts. in Survey No.46. "A" schedule property was purchased by the plaintiff No.1 and "B" schedule property was purchased by plaintiff No.2 from the original owner of Shaik Habeeb



Mohammed and from the legal representative of protected tenant Ippali Thimmaiah by name Ippali Shankaraiah on 07.12.2006 under registered sale deed document Nos.8557 of 2006 and 8558 of 2006. They contended was that the land was delivered to them on the same day and they submitted an application before the MRO, Hanwada Mandal for mutation of ownership and accordingly their names were recorded as owners in the revenue records. They further submitted that on their application on 17.03.2007, the Deputy Inspector of Survey and Land Records, Mahabubnagar inspected and measured the suit lands with the help of plan and tippon and fixed the boundary stones around the suit lands. The Inspector conducted a panchanama and prepared a sketch map of the suit lands. Forest land was situated on the eastern and southern side of the suit "A" schedule land and on southern and western side of the suit "B" schedule land. The plaintiffs further submitted that they kept the suit schedule property fallow. By taking it as an advantage, the subordinates of defendant No.2 came to the suit lands on 12.01.2008 and tried to interfere by making preparation for plantation on the southern and western side of the suit lands. The plaintiffs resisted their acts and maintained their possession and filed initially the suit for injunction against the State of Andhra Pradesh represented by the District Collector as defendant No.1 and the Divisional Forest Officer, Mahabubnagar District as defendant No.2.

**Held:** The Gazette Notification marked under Ex.B8 is a 30 year old document and a presumption is carried under Section 90 of the Indian Evidence Act, 1872 with regard to genuineness of the said document. As it is also a public document an added presumption under Section 114 (e) of the Evidence Act as to its correctness is also available as per the judgment of the Hon'ble Apex Court in Iqbal Basith and Others v. N.Subbalakshmi and Others ((2021) 2 SCC 718) . Ex.B8 is the Gazette Notification which is the record of the Acts of the Official Bodies. Hence, the document carries a lot of probative value. The entries made by the Revenue Authorities in ignorance of the prohibitory order do not carry any value nor give a right to successors or legal representatives of Syed Qamruddin to enter into any sale seeds with the private parties. No evidence was adduced by the respondents – plaintiffs to show that there is another notification issued de-reserving the said lands. Thus, the ownership is vested with the Government. The successors of Syed Qamruddin had no right to sell the property which was declared as Reserve Forest under Ex.B8. Thus, the sale deeds filed by the plaintiffs marked under Exs.A5 and A6 are having no value under the law.

The learned counsel for the respondents – plaintiffs contended that the alternate land given to Syed Qamruddin was not in existence, the land in Survey No.61 was in the name of Endowments Departments and the records of the land in Survey No.157 were not available. But the said contention cannot be considered in this suit or appeal, as the respondents – plaintiffs are not the right persons to question the same. It was for Syed Qamruddin who was allotted the said lands, who should have raised the issue





before the Forest Settlement Officer or challenge the Notification before the District Judge, before whom the right of appeal was provided under the Forest Act. Just because the alternate land allotted to Syed Qamruddin was not available they cannot seek declaration of right over the lands which were declared as reserved forests. The burden lies on the respondents – plaintiffs to prove that they acquired right and title over the property from the persons who could validly transfer the said right. When the vendor of the respondents – plaintiffs had no right over the suit schedule property, they could not validly transfer the said right through a registered sale deed. The registered sale deeds marked under Exs.A5 and A6 are not having any value as Shaik Habeeb Mohammed, who sold the lands to the respondents – plaintiffs was not having a valid title over the said lands after notifying the said lands as reserved forest by the Forest Settlement Officer under Ex.B8. As such, the respondents – plaintiffs were not entitled to seek for a declaration that they were owners of the suit schedule property and also not entitled to seek the consequential relief of injunction. The trial court erred in making a contrary observation.

As the trial court passed the judgment ignoring the validity of the notification issued under the Forests Act, 1967, the same is not in accordance with law. As such, the same is liable to be set aside.



## **HON'BLE SRI JUSTICE K. SURENDER**

**Acts/Rules:** IPC, Negotiable Instruments Act etc

**Case Details:** Rafeeq Akbani and another **Vs** Anwar Akbani in CRLP 1689 of 2018. ([Click here for full Judgment](#))

**Date of Judgment:** 06.11.2023

**Facts:** Criminal Petition No.1690 of 2018 is filed by A1 and Criminal Petition No.1689 of 2018 is filed by A2 and A3 for quashing the proceedings against them in Crime No.109 of 2017 pending investigation before the CCS, Hyderabad.

**Held:** The transactions during business can give rise to both civil and criminal proceedings on the basis of the peculiar facts of each case. It cannot be said as a rule that every criminal complaint that is lodged has to be investigated. Criminal proceedings can be quashed in cases where the business transactions make out a case predominantly civil in nature. This Court cannot permit civil transactions be given cloak of criminal offence and parties approaching the police, filing criminal complaint to exert pressure to settle civil disputes.



As seen from the compliant, the transaction between the petitioners and the 2nd respondent was a continuous process over a period of time and payments were made by the petitioners when the goods were supplied by the 2nd respondent. Though an averment is made in the compliant that subsequently the petitioners have entertained an intention to cheat the complainant and accordingly did not pay for the goods supplied, the same cannot be made basis to infer that the petitioners have cheated the defacto complainant. As held by the Hon'ble Supreme Court, the test to determine the intention of cheating can also be from the fact that such intention should have been entertained right from the inception of the transaction. When the payments were regularly being made initially and subsequently for some of the invoices payment was deferred and cheques were issued, the ingredients of Section 420 of IPC are not made out. It cannot be said that there is an act of deception played by the petitioners. Breach of promise or contract in the present circumstances cannot be held to be an offence of cheating or criminal misappropriation punishable under Section 406 of IPC.

In the present transactions, cheques were issued and cases were also instituted under Section 138 of the Negotiable Instruments Act. It cannot be said that the petitioners are liable for the offence of cheating for the reasons discussed above. Accordingly, the petitioners succeed in the present applications.

In the result, the proceedings against petitioners/A1 to A3 in Crime No.109 of 2017 pending investigation before the CCS, Hyderabad, are hereby quashed.



## **HON'BLE MRS. JUSTICE SUREPALLI NANDA**

**Acts/Rules:** Constitution of India; Prevention of Corruption Act, 1988 etc.

**Case Details:** Ravikanti Venkatesham Vs The Union of India in W P No.32906 OF 2023  
[\(Click here for full Judgment\)](#)

**Date of Judgment:** 05.12.2023.

**Facts:** The petitioner is resident of Mancherial town and his passport vide No.K5561052 was valid up to 21.01.2023. On 27.01.2023, the petitioner made application to respondent No.2 vide file No.HY75C5008204523 to renew passport as per the procedure under Passports Act, 1967.

b) After several oral requests by the petitioner, the 2nd respondent informed that the petitioner involved in criminal case vide C.C.No.391 of 2022 under Section 420 read



with 34 IPC on the file of II Additional Judicial First Class Magistrate, Mancherial, hence, petitioner's passport cannot be renewed. Aggrieved by the same, petitioner filed the present writ petition.

**Held:** In the judgment dated 08.04.2022 of the Andhra Pradesh High Court reported in 2023 (4) ALT 406 (AP) in Ganni Bhaskara Rao Vs. Union of India and another at paras 4, 5 and 6, it is observed as under:

*"This Court after hearing both the learned counsel notices that the Hon'ble Supreme Court of India, in Criminal Appeal No.1342 of 2017, was dealing with a person, who was convicted by the Court and his appeal is pending for decision in the Supreme Court. The conviction was however stayed. In those circumstances also it was held that the passport authority cannot refuse the "renewal" of the passport. This Court also holds that merely because a person is an accused in a case it cannot be said that he cannot "hold" or possess a passport. As per our jurisprudence every person is presumed innocent unless he is proven guilty. Therefore, the mere fact that a criminal case is pending against the person is not a ground to conclude that he cannot possess or hold a passport. Even under Section 10 (d) of the Passports Act, the passport can be impounded only if the holder has been convicted of an offence involving "moral turpitude" to imprisonment of not less than two years. The use of the conjunction 'and' makes it clear that both the ingredients must be present. Every conviction is not a ground to impound the passport. If this is the situation post-conviction, in the opinion of this Court, the pendency of a case/cases is not a ground to refuse, renewal or to demand the surrender of a passport.*

Taking into consideration the aforesaid facts and circumstances, and duly taking into consideration the law laid down in the above said judgments (referred to and extracted above), the writ petition is disposed of directing the 2nd Respondent-Passport Officer to consider the application No.HY75C5008204523 of the petitioner dated 27.01.2023 seeking renewal of petitioner's passport, within a period of one week from the date of receipt of a copy of this order without relating it to the pendency of the proceedings in C.C.No.391 of 2022 on the file of II Additional Judicial Magistrate of First Class, Mancherial. However, there shall be no order as to costs.





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

**Acts/Rules:** Andhra Pradesh (Telangana Area) Record of Rights in Land Regulation of 1358 Fasli; A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973; ROR Act, 1971 etc.

**Case Details:** K. Jaipal Reddy *Vs* Joint Collector Ranga Reddy Dist. *in* W A 142 of 2009. ([Click here for full Judgment](#))

**Date of Judgment:** 13-10-2023.

**Facts:** The appellant herein is the 3rd respondent in the W.P. No.23945 of 2000. The respondents No.1 and 2 herein are the respondents No.1 and 2 in the W.P. No.23945 of 2000. The respondent No.3 herein is the respondent No.4 in the W.P. No.23945 of 2000. The respondents No.4 to 9 herein are the writ petitioners in the W.P. No.23945 of 2000. The respondents No.10 to 12 are brought on record as legal representatives of the deceased respondent No.5 as per Court order dated 01.02.2023 vide I.A. No.1 of 2022 in W.A. No.142 of 2009.

This intra Court appeal has been preferred by the appellant, who is the respondent No.3 in the writ petition, assailing the order dated 26.12.2008 passed in W.P. No.23945 of 2000 by the learned Single Judge.

**Held:** Having considered the rival submissions of the parties and observations made by the learned Single Judge and that since the petitioners claim that they and respondents No.3 and 4 share a common lineage whereby the subject lands were considered as ancestral properties, the order dated 24.07.2000 passed by the Joint Collector, Ranga Reddy District and the consequential order dated 10.11.2000 passed by the Mandal Revenue Officer, Ghatkesar Mandal, Ranga Reddy District, are found to be without and excess of their jurisdiction. Therefore, we do not find any reason to interfere with the impugned order dated 26.12.2008 passed in W.P. No.23945 of 2000 by the learned Single Judge and we concur with the findings made therein by the learned Single Judge.



## HON'BLE SMT. JUSTICE M.G.PRIYADARSINI

**Acts/Rules:** A.P. (T.A.) Abolition of Inams Act, 1955 etc.

**Case Details:** E. Harikishan *Vs* The Joint Collector Cum Appellate Tribunal *in* CRP 2341 of 2012 ([Click here for full Judgment](#))

**Date of Judgment:** 18.12.2023.



**Facts:** The brief facts, which necessitated the revision petitioners to file the present Civil Revision Petition are as under:

- a) The petitioners are the absolute owners and possessors of H.Nos.1/65/25/6, 1/65/25/5, 1/65/25/7 and 1/65/25/7 vide document bearing Nos.5152/2000, 5158/2000, 5146/2000 and 5157/2000 having purchased the same from their vendor Smt. Hemalatha Devi, who purchased the same from I. Nagesh and five others including Achaiah i.e., father of respondent Nos.3 to 5) represented by their registered Power of Attorney Holder Sri K. Ramulu under registered documents No.1357/1989, 804 of 1993 and 341 of 1994. The vendor of the petitioners constructed a room in the said property after her purchase. The petitioners have been in peaceful possession and enjoyment of the property without any interruption and also paying municipal tax to the concerned authorities. The watchman of the petitioners resides in the rooms constructed and the properties are protected by a compound wall in part and fenced in part.
- b) The petitioners obtained No Objection Certificate from Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad vide Proceedings No. F-13235/NOC/08, dated 05.08.2008, wherein the said authority made it clear that the property is not vested in the Government. The petitioners have applied to GHMC for regularization of their plots under LRS Scheme and accordingly necessary charges were collected and regularized the plots through Proceedings Nos. LRS/472/G/CR1/West Zone/GHMC/2008, LRS/469/G/CR-11/West Zone/GHMC/2008, LRS/470/G/CR-1/West Zone/GHMC/2008 and LRS/471/G/CR-1/West Zone/GHMC/2008 dated 16.12.2008.
- c) The petitioners have also obtained electricity connection to the said property in the year 2008 and paying necessary charges to the same. On 01.02.2012, the respondent Nos. 3 to 5 threatened the watchman of the petitioners claiming that they have obtained Occupancy Rights Certificate (hereafter will be referred as 'ORC') issued by the respondent No.2. On enquiry they came to know that respondent No.2 had issued proceedings No.L/3509/2011, dated 14.12.2011 favouring respondent Nos.3 to 5 purportedly granting ORC in respect of Ac.0.37 guntas in Sy.No.28 of Gutla Begumpet Village, Serilingampally Mandal on the premise that the their father Sri Achaiah was the Inamdar and respondent Nos.3 to 5 being his legal heirs are entitled to the issuance of ORC.
- d) The petitioners were not put on any notice, besides the whole proceedings are vitiated by mischief, malafides and non-application of mind. Aggrieved by the same, the petitioners have filed appeal under Section 24 of the A.P. (T.A.) Abolition of Inams Act, 1955 (hereinafter will be referred as 'the Act') before the respondent No.1, who granted interim order of suspension and numbered the



appeal as Case No.F1/782/2012, however, the appeal was dismissed the said appeal on 05.05.2012. Aggrieved by the same, the petitioners have filed the present Civil Revision Petition.

**Held:** That even assuming for a moment, that the subject land is an inam land, applicants are Inamdars within the meaning of Section 2(1)(d), still the application cannot be entertained if there are buildings on the subject property in view of the provisions of Section 9 of the Act. As per the evidence on record the property contains buildings. As the property does not attract provisions of Inam Abolition Act, 1955 and ORC cannot be issued by Respondent No.2 and confirmed by Respondent No.1 which is patently irregular and the officers in question appears to have colluded with Respondent Nos. 3 to 5. Even the Assistant Government Pleader has submitted that the respondent Nos.1 and 2 have played fraud in issuance of Occupancy Rights Certificate in favour of respondent Nos.3 to 5 and suitable actions are being taken against them.

Therefore, in view of the above discussion this Court comes to the conclusion that the subject land is not an Inam land in view of the definition in Section 2(1)(c) of the Act and as such the Respondent No.2 does not have jurisdiction to entertain the application for ORC. Further, the appellate Authority, Respondent No.1 has erred in dismissing the appeal preferred by the Revision Petitioners vide Case No.F1/782/2012 without assigning reason. Hence, it can be concluded that the ORC issued to respondents No.3 to 5 is null and void.

In the result, the Civil Revision Petition is allowed and order dated 05.05.2012 passed by the RespondentNo.1, Joint Collector, Ranga Reddy District in Case No.F1/782/2012 and also the Order dated 14.12.2011 passed by the Respondent No.2, Revenue Divisional Officer, Chevella Division, Ranga Reddy District in File No.L/3509/2011 are hereby set aside.



**HON'BLE SRI JUSTICE SAMBASIVARAO NAIDU**

**Acts/Rules:** Civil Procedure Code

**Case Details:** M/s Gayatri Hospitals Vs GHMC in CRP No2450 of 2022. ([Click here for full Judgment](#))

**Date of Judgment:** 17.11.2023.

**Facts:** This Civil Revision Petition has been filed by the petitioners/plaintiffs in OS.No.110 of 2022 on the file of VII Senior Civil Judge, City Civil Court, Hyderabad. The





petitioners being aggrieved by the order of the Court below in IA.No.274/2022 dated 28-09-2022 by which the petition filed by the second respondent herein under Order I Rule 10(2) r/w Section 151 of Civil Procedure Code (for short 'C.P.C.'), allowed and permitted the second respondent to be impleaded as second defendant in the above referred original suit filed this revision. As could be seen from the impugned order, the learned Senior Civil Judge disposed two Interlocutory Applications filed by the second respondent herein vide IA.No.274/2022 and IA.No.275/2022 by a common order.

**Held:** It is true, the record filed by the petitioners herein shows earlier there was a suit filed by one Takur Naresh Kumar Singh the GPA holder of the second respondent herein vide OS.No.3964 of 2008 for perpetual injunction and the said suit was dismissed by the learned XX Junior Civil Judge. The appeal preferred by the said Takur Naresh Kumar Singh in AS.No.243 of 2014 was dismissed by the Addl. Chief Judge, City Civil Court. The above referred Interlocutory Application vide IA.No.274 of 2022 was filed by K.Srinivas, who said to have purchased an extent of 300 Sq.yrds with dwelling house but not by the said Takur Naresh Kumar Singh. Therefore, the contention of the petitioners herein that the suit was filed by the second respondent herein is not correct. Even if OS.No.3964 of 2008 which is wrongly shown as OS.No.3954 of 2008 in the appeal grounds was dismissed, the second respondent namely K.Srinivas is no way concerned with the said suit.

As per the averments made in the affidavit filed in support of the petition, it was the specific case of respondent No.2 namely K.Srinivas who is represented by Takur Naresh Kumar Singh is no way connected with the said suit. On the other hand, it is his claim that he has purchased an extent of 300 Sq.yrds out of the 991 Sq.yrds said to have been purchased by the petitioners/plaintiffs. The further averments made in support of the petition in the affidavit also shows that he has filed a suit and obtained decree in his favour and it is his further case that GPA based on which vendor of the petitioners herein said to have purchased the property was proved as forged document. In view of these contentions which needs detail trial, it is very clear that the respondent is a proper and necessary party, thereby, the Court below rightly allowed the petition and there is nothing to interfere with the said finding. Therefore, the revision is liable to be dismissed



## HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

**Acts/Rules:** Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade Commerce Supply and Distribution) Act, 2003 etc.

**Case Details:** Waheeduddin Ahmed Ansari Vs Prl. Secretary Home Dept. in WP 8223 of 2013 & Batch cases. ([Click here for full Judgment](#))

**Date of Judgment:** 15.11.2023.

**Facts:** Since the issue involved in all these Writ Petitions is intrinsically interconnected, they are being taken up and heard together and disposed of by this common order.

As the respondents have filed consolidated counter affidavit in Writ Petition No.46505 of 2022, the said Writ Petition is taken up as a leading case.

W.P.No.46505 of 2022 is filed under Article 226 of the Constitution of India, seeking the following relief:

“to pass an order, direction or a Writ particularly in the nature of Writ of Mandamus directing the respondents herein to allow the petitioner herein to serve hookah in his establishment freely as long as he follows the “Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade Commerce Supply and Distribution) Act, 2003 and rules and that the petitioner be allowed to serve hookah in open areas and smoking zones and to issue necessary directions to the effect that no coercive action of any nature ought to be initiated against the petitioner or his establishment namely “Resign Sky Bar” located in Madhapur.”

**Held:** It is pertinent to state that “public place” as defined under Section 3(l) of COTP Act, includes amusement centres, and the same is defined in “public place of amusement” under Sections 3(g) of City Police Act. As per Chapter III of the City Police Act, the Commissioner of Police is having power to issue rules and regulations for preservation of order. Further, as per Section 32 of the City Police Act, for enforcement of orders under Sections 22, 23 and 24 of the City Police Act, the police officer may arrest any person without warrant. As per Section 84 of the City Police Act, police is having power to specify conditions etc., for obtaining licences and permits. Since the City Police Act, confers power over the amusement Centres/restaurants, which are defined as “public place” under the COTP Act and as per Rule 4 of the Prohibition of Smoking in Public Places Rules, 2008 permission is required specifying smoking area. In view of the powers being conferred on the Commissioner of Police, under the City Police Act, the police are having power to supervise the business establishments of the petitioners and seize the hookah centres if there is any violation of the provisions of the COTP Act. Therefore, to establish hookah centres, permission from the concerned authority has to be obtained under the provisions of City Police Act. The petitioners



shall follow rules and regulations issued by the Commissioner of Police from time to time for preservation of the public order.

In view of the above discussion, this Court is of the opinion that imposing of certain conditions to run the Hookah Centres would meet the ends of justice. i) As Charcoal is being used for serving hookah in the Hookah Centres, the petitioners shall obtain licence from the Municipal Corporation as specified under Section 521(1)(b) of Greater Hyderabad Municipal Corporation Act, 1955. ii) Since the Hyderabad City Police Act, 1348 Fasli confers power over the amusement Centres/restaurants which are defined as “public place” under the COTP Act and as per Rule 4 of the Prohibition of Smoking in Public Places Rules, 2008 permission is required specifying smoking area. Therefore, to establish hookah centres, the petitioners shall obtain necessary permission from the concerned authority under the provisions of the City Police Act. iii) The Hookah Centres are prohibited from serving any tobacco product to the persons below the age of eighteen years. Pictorial health-warning labels at the entrance must be displayed. iv) The respondents-police are at liberty to supervise and inspect the Hookah Centres, for any violation of rules and regulations, guidelines or circulars issued under the provisions of the Hyderabad City Police Act, 1348 Fasli. v) If there is any violation of the provisions of the COTP Act and the Rules made thereunder, the respondents-police are at liberty to take appropriate action as per the provisions of the COTP Act. 25. Subject to fulfilling the above conditions and also the provisions of COTP Act, the respondents-police are directed not to interfere with the business activity of the petitioners for running Hookah Centres. If the police are found to act in a highhanded manner, the owners of the Hookah Centres are at liberty to bring the same to the notice of the Director General of Police/Commissioner of Police, as directed by this Court in Writ Petition No.3202 of 2014 and batch, in which event the said authority shall forthwith take necessary steps in that regard.



**HON'BLE SRI JUSTICE E.V.VENUGOPAL**

**Acts/Rules:** Constitution of India;

**Case Details:** P.Ramdev Vs The State of Telangana in W P No 12428 of 2015. ([Click here for full Judgment](#))

**Date of Judgment:** 10.10.2023.





**Facts:** This writ petition, under Article 226 of the Constitution of India is filed seeking to quash the proceedings in FIR No.686 of 2014 on the file of P.S. Saifabad (transferred to CCS Police Station, Hyderabad and numbered as FIR No.304 of 2014), Hyderabad against the petitioners herein, who are accused Nos.2, 19 and 20.

The allegation against the petitioners is that the petitioners in conspiracy with the coparceners of the de-facto complainant and one A.M. Khusro impersonated Syed Ali Mohammad and filed revision petition before the Joint Collector, Ranga Reddy district to claim the agricultural lands admeasuring to an extent of Ac.43-09 guntas in Sy.Nos.634, 635 and 638 of Kapra village, causing wrongful loss to the de facto complainant and his father. The first accused in the case hatched a plan to grab the property i.e. agricultural land to an extent of Ac.43-09 guntas in the above survey numbers and in furtherance of his intention he entered into criminal conspiracy with the other accused and one A.M.Kushroo and all the accused knowing that Syed Ali Mohammad S/o Ahmed Sahab is original pattedar and since 1954 his name is entered in pahanis and knowing the said fact they projected and introduced one A.M.Kushroo S/o Syed Amenuddin as Syed Ali Mohammed @ Syed Ali Mohammad Kushroo in the proceedings before the MRO. The original pattedar Syed Ali Mohammad S/o Ahmed Sahab was not made as party and the complainant and his father were also not made parties and the two brothers of the complainant's father also were not made parties before the MRO as such they could not object before the MRO, Keesara Mandal, Ranga Reddy District as a result the MRO put the accused Nos.5, 6, 7, and 8 and children of Orla Madhusudhan Reddy in possession of the said lands. Thus, complaining that A.M.Khusroo intentionally impersonated as Syed Ali Mohammad and filed a Revision Petition before the Joint Collector, Ranga Reddy District, vide Proc.No.D5/6310/99 and thereby caused wrongful loss to the complainant by getting the order of the MRO got set aside and wrongful gain to themselves.

**Held:** Except the allegation that the petitioners are close relatives of A.3, no other specific allegation was made against the petitioners. The said allegation itself per se shall not invite any criminal prosecution in the absence of any specific allegation without adducing any evidence against the petitioners. Therefore, this Court does not find any substance in the said complaint.

Lastly, so far as the petitioners are concerned, they have got into the scene only by virtue of sale deeds which have been executed in their favour upon verification that their vendors are having absolute title as on that date and by the date when the petitioners have become the bona fide purchasers of the property so much of water has flown till the complaint was filed and multiple transactions seem to have taken place. However, the subject matter is pertaining to civil in nature altogether and insofar



as the petitioners are concerned and dragging the petitioners into this sort of litigation is nothing but abuse of process of law.

Accordingly the writ petition is allowed and the proceedings in FIR No.686 of 2014 on the file of P.S. Saifabad (transferred to CCS Police Station, Hyderabad and numbered as FIR No.304 of 2014), Hyderabad against the petitioners herein / accused Nos.2, 19 and 20 alone are hereby quashed. Miscellaneous petitions if any pending in this writ petition shall stand closed.



## HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

**Acts/Rules:** Enhancement of Compensation in Motor Vehicle Accident Case.

**Case Details:** Vadla Siddavva Vs B V Durgha Prasad & another in M.A.C.M.A. No.1586 OF 2008. ([Click here for full Judgment](#))

**Date of Judgment:** 31.10.2023.

**Facts:** The brief facts of the case are that on 06.11.2000 the petitioner, her mother, husband and their daughter were traveling in the auto bearing No.AP-23-U-5381 from Pathur village to Kamareddy and at about 12:00 noon, when the said auto reached near Yellakatta vagu bridge in the limits of Bhiknoor, a lorry bearing registration No.AP-16-T-6248 came at high speed in a rash and negligent manner and lost control and dashed to the auto in which the petitioner and other members of the family were traveling. As a result, all the inmates of the auto fell down and petitioner's mother Balarajavva died on the spot due to multiple fractures to the neck, head and other parts of the body. The Police Bhiknoor registered a case in Cr.No.157 of 2000 against the lorry driver for the offence under Section 304-A and 337 of IPC. The appellant filed aforesaid O.P., against respondent Nos.1 and 2, owner and insurer of the auto, claiming compensation of Rs.3,00,000/- for the injuries sustained by the appellant.

Before the Tribunal, respondent No.1 remained ex parte. Respondent No.2 filed written statement denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the auto and awarded total compensation of Rs.22,500/- with interest @ 7.5% per annum, i.e., Rs.10,000/- towards fracture, Rs.5,000/- towards treatment, Rs.2,000/- towards extra-nourishment, Rs.1,000/- towards transport charges and Rs.4,500/- towards loss of earnings during treatment period. Dissatisfied with the



quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

**Held:** A perusal of the record, it reveals that P.W.2, the doctor who examined the appellant, stated that on 06.11.2000 on the requisition from the Bhiknoor Police, he found tenderness and swelling on the left foot. X-ray taken in the Government Hospital revealed fracture of left calcaneum bone, which is grievous in nature. The petitioner was admitted in the hospital as in-patient on the same day and was discharged on 11-11-2000 and Ex.A-3 is the injury certificate issued by him showing a fracture to the petitioner. Further, it is the case of the appellant herein that she used to earn Rs.8,000/- to Rs.10,000/- per month from agriculture and milk vendor business. Taking into account the nature of injuries sustained by the appellant/injured and establishing the same by way of examining PW-2, this Court is of the considered view that the amount fixed at Rs.1,500/- by the Tribunal towards loss of income per month is on lower side and the same is to be enhanced to Rs.4,500/- and the total loss of income for the treatment period resulted due to the alleged accident is Rs.13,500/- (Rs.4,500/- X 3). Further, though the learned tribunal awarded an amount of Rs.10,000/- for the fracture injury sustained by the appellant, this Court is of the considered opinion that in view of the grievous nature of the injury as ascertained by medical officer/PW-2, the amount awarded shall be enhanced to Rs.20,000/-, which would be appropriate in the circumstances of the case.

Further, on a perusal of the nature of injuries sustained by the appellant/injured, the appellant would have been under special diet as such the amount awarded under the head of extra nourishment at Rs.2,000/- needs to be enhanced by Rs.10,000/-. The tribunal also failed to consider the aspect of pain and suffering, having regard to the quantum of discomfort experienced by the appellant as a result of the above accident. Therefore, it would be just and proper to award an amount of Rs.10,000/- under the head of pain and suffering.

In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.22,500/- to Rs.59,500/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization.





## HON'BLE SRI JUSTICE PULLA KARTHIK

**Acts/Rules:** Central Civil Services (Pension) Rules, 1972 etc.

**Case Details:** Smt. A.V. Madhuri Vs The Union of India in W P 30879 of 2014 ([Click here for full Judgment](#))

**Date of Judgment:** 16.12.2023.

**Facts:** The case of the petitioner, in brief, is that initially she was appointed as Field Supervisor on 02.03.2001 in Marine Products Export Development Authority (MPEDA), which is an Undertaking under the Ministry of Commerce & Industry, Government of India, and the said post is a Pensionable post. Accordingly, she was put in the pension scheme of the Central Civil Services (Pension) Rules, 1972 (in short 'the Pension Rules, 1972'). It is the further case of the petitioner that later she has responded to the notification issued by the National Fisheries Development Board (in short 'the Board'), the 2nd respondent herein, which is a Central Government Autonomous Body directly under the Ministry of Fisheries, Animal Husbandry, Dairying, under the Ministry of Agriculture. After due process of selection, the petitioner was offered the post of Executive Engineer (Technical) and joined on 04.07.2008 after submitting technical resignation as required under the Pension Rules, 1972. Immediately after joining in the office of the respondent Board, the petitioner had requested the second respondent to protect her previous service since both the Organizations are the Autonomous Bodies under the Government of India. Pursuant to several representations made by the petitioner to protect her past service, the Deputy Director (PERS), MPEDA, vide Lr.No.NFDB/Admn/49(PF.AVM)/2008/1219, dated 26.09.2014 has communicated to the petitioner that the Board was established in the year 2006 and therefore, the NPS introduced by the Government from 01.01.2004 is only applicable and therefore the question of counting of past service of the petitioner for the purpose of pensionary benefits under the Old Pension Scheme does not arise. On the basis of the said letter, recoveries were sought from the monthly salary of the petitioner towards subscription under CPS. Thereafter, based on the Office Memorandum dated 11.06.2020 issued by the Government of India, the petitioner has again made representations seeking restoration of OPS by counting her past service rendered in MPEDA and vide order dated 08.03.2021, the request of the petitioner was negative by the 1st respondent. Hence, the petitioner is before this Court.

**Held:** Insofar as the contention of the 1st respondent that the Official Memorandum dated 11.06.2020 is not adopted by the respondent Board and therefore not binding is concerned, in the said Memorandum it is clearly mentioned that the said guidelines are also applicable to the employees who joined Central Autonomous Body from Central Government between the period 01.01.2004 to 28.10.2009. Therefore, the respondent Board is obligated to implement the said Official Memorandum, dated



11.06.2020, and cannot simply shirk off their duties stating that they have not adopted the same.

Further, the other contention urged by the 1st respondent that the petitioner having accepted her appointment under NPS, cannot turn around and seek OPS, is concerned, the Central Government, having considered several representations received from several similarly situated employees, across the country, has taken a positive decision in the matter and issued the Official Memorandum dated 11.06.2020 extending the benefit of OPS from NPS. Therefore, this contention of the 1st respondent is untenable and cannot be countenanced that apart, the respondents have failed to produce any piece of evidence in support of their contention that the petitioner was treated as a fresh recruit and therefore her case cannot be considered for OPS.

Therefore, this Court is of the considered view that the petitioner is entitled for the benefit extended under the Official Memorandum dated 11.06.2020 and the rejection orders dated 26.09.2014 passed by the 3rd respondent and dated 08.03.2021 passed by the 1st respondent are liable to be set aside and are accordingly set aside. The respondents are directed to take further action as per the guidelines enunciated in the Official Memorandum dated 11.06.2020.



## **HON'BLE SRI JUSTICE K. SARATH**

**Acts/Rules:** Constitution of India etc.

**Case Details:** K.Rajgopal Rao Vs M/s. Otira Pharmaceuticals Pvt. Ltd and another in **C.R.P.Nos. 262** and K.Rajgopal Rao Vs M/s. Chemsol Labs Pvt. Ltd., and another in **264 of 2022**. ([Click here for full Judgment](#))

**Date of Judgment:** 03.10.2023

**Facts:** The Civil Revision Petition No.262 of 2022 is filed being aggrieved by the docket order dated 17.01.2022 passed in E.P.No.27 of 2019 in O.S.No.414 of 2023 on the file of XII Additional Chief Judge, City Civil Court.

The Civil Revision Petition No.264 of 2022 is filed being aggrieved by the docket order dated 17.01.2022 passed in E.P.No.28 of 2019 in O.S.No.415 of 2023 on the file of XII Additional Chief Judge, City Civil Court.



Since the revision petitioner in both the Civil Revision Petitions is one and the same and the issue to be adjudicated is also one and the same, they are heard together and being disposed of by way of this common order.

The respondent No.1 in C.R.P No.262 of 2022 herein filed a suit in O.S.No.414 of 2018 on the file of Chief Judge, City Civil Court against M/s. Vensa Laboratories Private Ltd., representing by its Managing Director, for recovery of Rs.24,40,808/- and the said suit was decreed by judgment dated 30.07.2018. Subsequently, the respondent No.1 filed E.P.No.27 of 2019 against the Revision Petitioner, who said to have worked as Managing Director in the Judgment-Debtor Company. The revision petitioner contested the E.P and the Court below attached the house property of the Civil Revision Petitioner.

Likewise, the respondent No.1 in C.R.P No.264 of 2022 herein filed a suit in O.S.No.415 of 2018 on the file of Chief Judge, City Civil Court against M/s. Vensa Laboratories Private Limited represented by its Managing Director, for recovery of Rs.24,24,908/- and the said suit was decreed by judgment dated 30.07.2018. Subsequently, the respondent No.1 filed E.P.No.28 of 2019 against the Revision Petitioner, who said to have worked as Managing Director in the Judgment-Debtor (for short 'J.Dr') Company. The revision petitioner contested the E.P and the Court below attached the house property of the Revision Petitioner through impugned order. Being aggrieved by the impugned orders, the petitioner came with the present revisions.

**Held:** The principles laid down by the Hon'ble Supreme Court of India in Western Press Pvt. Ltd., Mumbai Vs., Custodian and others ((2001) 10 SCC 703) apply to the instant case.

The relevant portions of the said judgment are as follows:

*"9. The questions, which loom large for consideration in this appeal, are as to what are the legal consequences flowing from the consent order of the Special Court dated 5.7.95 and the affidavit filed by Mr. Milan Dalal on 28.7.95 as the Chairman of the appellant-company? and do they suffer any legal infirmities such as want of registration, want of authority and mistake of fact so as to render them either non-est or unenforceable? If it is held that the consent order dated 5.7.1995 and the affidavit dated 28.7.1995 are binding upon not only the parties but upon the appellant, as one who has undertaken to abide by certain consequences and such an undertaking was given to secure any or some benefit for any one or more of the parties from the Court, the facts such as the appellant not being itself a party in the proceedings before the Court and it was only a third party and that the property in question is of the appellant and that the appellant is neither a notified party nor one claiming through such notified party or the judgment debtor pale into insignificance and are rendered wholly irrelevant in determining the actual issues arising.*





13.. ..... The consent order as also the undertaking given in this case would squarely fall within the exempted category of 'any decree or order of the Court envisaged under Section 17 (2) (vi) and take it outside the excepted category of cases for the simple reason that it does not deal with, as such, any immovable property envisaged in the manner of clause (b) of Section 17 (1) of the Registration Act. In the first instance, the decree/order in question does not comprise any immovable property as such. In any event, in a matter like the one before us where the consent order which came to be passed on agreement as well as the undertaking given in pursuance thereof, was an undertaking to the Court, the words subject-matter of the suit need not be confined to the subject-matter of the plaint or subject- matter of the dispute alone, but would include all that which is made to become part of the proceedings in order to finally and effectively settle all the disputes between the parties. Shorn of all these unnecessary controversies now raised, we are also of the view that in a case where an item of property is referred to in an undertaking given to the Court as one which can be proceeded against in the event of the judgment- debtor failing to pay the decretal amount within the stipulated time, the immovable property does not get ipso facto affected or suffer in anyone of the manner envisaged under Section 17 (1) so as to require compulsory registration.

*(emphasis added)*

The finding of the above judgment squarely apply to the facts of instant case that in both the suits, the petitioner has given personal undertaking in the written statements, chief-affidavits as well as in the cross-examination for repayment of the suit amounts personally and now he cannot take a different stand that the trial Court cannot attach the property of the petitioner.

In view of the same, now the petitioner cannot question the impugned order on the ground that the petitioner is neither a party to the suit or execution proceedings and his personal property cannot be attached and the petitioner also suppressed the fact that he sold the property which is under attachment before filing these two civil revision petitions.

The impugned orders passed by the Court below does not suffer from any illegality or infirmity and does not call for any interference of this Court exercising powers under Article 227 of Constitution of India.

In view of the above findings, both the Civil Revision Petitions are liable to be dismissed as devoid of any merits and accordingly dismissed. There shall be no order as to costs.



## HON'BLE SRI JUSTICE J. SREENIVAS RAO

**Acts/Rules:** Constitution etc.

**Case Details:** APSRTC. Rep by its Joint Managing Director, Bus Bhavan, Musheerabad, Hyderabad and two others Vs R. Sadana in W P No. 4314 OF 2016. ([Click here for full Judgment](#))

**Date of Judgment:** 12.10.2023.

**Facts:** 'APSRTC' presently 'TSRTC' filed this Writ Petition for seeking Writ of Certiorari, calling for records relating to the Award in I.D.No.40 of 2012 dated 17.02.2014 on the file of the Labour Court-II, Hyderabad which was published in the Telangana Gazette vide G.O.Rt.No.510 dated 01.05.2014 and quash the same.

**Held:** In the case on hand, the removal order passed by petitioner No.3 was set aside by the petitioner No.2 in review petition on humanitarian grounds reinstating the respondent No.1 into service and imposed a punishment of postponing her annual increments for a period of 2 years which will have effect on future increments and the period of suspension shall be treated as "not on duty" and pursuant to the said order the respondent No.1 is reinstated into service and after a long lapse of more than period of 10 years, she raised the dispute through Union, by taking shelter under Section 10 (1) (C) of the Act and the same is not permissible under law, when respondent No.1 has not utilized the remedies as available under the provisions of the Act, or by way of Writ Petition.

For the foregoing reasons as well as the principle laid down in the above judgments the impugned award dated 17.02.2014 is modified holding that respondent No.1 is not entitled for attendant benefits. However, taking into consideration the length of service rendered by respondent No.1, she is entitled for continuity of service for the purpose of claiming terminal benefits only and rest of the award is confirmed.



## HON'BLE SRI JUSTICE NAMAVARAPU RAJESWAR RAO

**Acts/Rules:** Motor Vehicle accident Compensation.

**Case Details:** Shaik Mohammed & Others Vs M/s Silicon Transformers P Ltd., and another in MACMA 3254 of 2012. ([Click here for full Judgment](#))

**Date of Judgment:** 22.12.2023.



**Facts:** Brief facts of the case are that the petitioners filed a claim petition claiming compensation of Rs.5,00,000/- on account of the death of Shaik Jhony (hereinafter referred to as “the deceased”) in a motor vehicle accident.

It is stated that on 18.09.2006 at about 3.00 p.m., near Bandlaguda Toddy compound, Rajendra Nagar, the deceased was driving a Seven Seater Auto bearing No.AP-13-V2068, along with two injured persons who were injured at Hydershakot turning with another vehicle due to the accident. While shifting them on humanitarian grounds to Sadan.

Hospital, when they reached near Bandlaguda Toddy compound, the Auto Trolley bearing No.AP-29U-0889, which was coming in the opposite direction, driven by its driver at a high speed in a rash and negligent manner, dashed the said seven seater auto, due to which the auto turned turtle and the deceased sustained fatal injuries. Immediately after the accident, the deceased was shifted to Sadan Hospital. After administering first aid, he was referred to Osmania General Hospital for better treatment, and while shifting, he succumbed to injuries. The Police Narsingi registered a case in Crime No.232 of 2006 under Sections 304-A and 337 IPC against the driver of the crime auto trolley. Hence, the claim petition.

**Held:** The annual income of the deceased would come to Rs.1,08,000/- (Rs.9,000/- x 12). To this, future prospects of 40% i.e. Rs.43,200/- is to be added as per the decision of the Hon’ble Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi (2017) 16 SCC 680) as the deceased was aged 25 years. Since the deceased was a bachelor, a deduction of 50% of the of the deceased’s income towards personal expenses, which the deceased might have spent for himself, is proper. The appropriate multiplier as per the decision of Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121) is “18”. Thus, the total loss of dependency would come to Rs.13,60,800/- (Rs.1,08,000/- + 40% Minus 50% x 18).

The petitioners are entitled to compensation under conventional heads as per the decision of the Hon’ble Apex Court in Pranay Sethi ((2017) 16 SCC 680) and Magma Insurance Company Ltd. Vs. Nanu Ram @ Chuhru Ram (2018 Law Suit (SC) 904) Petitioners No.1 and 2, being the parents of the deceased, are entitled to Rs.40,000/- each i.e. Rs.80,000/- towards loss of filial consortium, and petitioners are also entitled to Rs.16,500/- (Rs.15,000/- + 10%) towards funeral expenses and Rs.16,500/- (Rs.15,000/- + 10%) towards loss of estate.

In all, the petitioners/appellants are entitled to Rs.14,73,800/- (Rs.13,60,800/- + 80,000 + 16,500/- + 16,500/-) towards compensation. Since, this Court has assessed the negligence of the deceased @ 25%, the same has to be deducted i.e. Rs.3,68,450/- towards the negligence of the deceased. Hence, the petitioners are entitled to Rs.11,05,350/-. Though the claimed amount is Rs.5,00,000/- , invoking the principle of



just compensation, and in view of the law laid down by the Hon'ble Supreme Court in Rajesh vs. Rajbir Singh (MANU/SC/0480/2013), and in a catena of decisions, this Court is empowered to grant compensation beyond the claimed amount. However, the petitioners/appellants shall pay the deficit Court fee on the enhanced compensation.

The M.A.C.M.A. is allowed by setting aside order and decree dated 08.11.2010 passed in O.P.No.39 of 2007 by the Tribunal. Accordingly, the petitioners are awarded compensation of Rs.11,05,350/- (Rupees Eleven lakh, five thousand, three hundred and fifty only) with interest @7.5 % p.a. from the date of petition till the date of realisation. Respondents are directed to deposit the said amount with costs and interest within two months from the date of receipt of a copy of this judgment. On such deposit, the petitioners are permitted to withdraw the same in the following manner:

Petitioner No.1 :: Rs.2,76,337/-

Petitioner No.2 :: Rs.4,14,506/-

Petitioners No.3 to 7 :: Rs.82,901/- each.

The petitioners are directed to pay the deficit Court fee within two months from the date of receipt of a copy of this judgment.



### **HON'BLE SRI JUSTICE LAXMINARAYANA ALISHETTY**

**Acts/Rules:** APCS (CCA) Rules, 1991 & G.O.Ms.No.GA (Ser-C) Department, dated 01.11.2008.

**Case Details:** Dr. D. Sriram **Vs** The Director of Public Health and Family Welfare Department, State of Telangana **in** W P No 19586 of 2019. ([Click here for full Judgment](#))

**Date of Judgment:** 21.12.2023.

**Facts:** This writ petition is filed in not considering the case of the petitioner for promotion to the post of Civil Surgeon (General) while considering the number of juniors from time to time even though the petitioner is fully eligible, qualified and within the zone of consideration on the untenable ground that disciplinary proceedings initiated vide charge memo RC No.035742/VC.III.B/ 08-15, dated 06.12.2008, is liable to be set aside on the ground of inordinate delay and such action is contrary to the





instructions issued by the Government in G.O.Ms.No.GA (Ser-C) Department, dated 01.11.2008.

**Held:** Further, as per G.O.Ms.No.679, G.A. (Ser-C) Department, dated 01.11.2008, the Government directed that the disciplinary cases initiated against the Government employees shall be completed as expeditiously as possible i.e., a normal time of 3 months and 6 months is allowed in simple and complicated cases, respectively. In case of abnormal delay in conducting the disciplinary proceedings, action shall be initiated against concerned inquiring authority.

In the present case, disciplinary proceedings were initiated vide charge memo dated 06.12.2008 for the alleged misappropriation relating to the years 2002-2007, to which petitioner submitted detailed explanation on 05.02.2009 and brought to the notice of the respondents that the alleged unspent amount does not pertain to the period, as he took charge as Medical Officer, Kambalapalli on 12.09.2006, whereas the issue relates to the years 2002-2007. After lapse of five years from the date of charge memo, enquiry officer was appointed, who submitted report adverse to the petitioner, basing on which explanation was called for from the petitioner vide letter dated 23.02.2018, to which petitioner submitted explanation. The 1st respondent came to conclusion that enquiry officer has not done proper inquiry against the medical officers and submitted his findings as 'charges proved' and therefore, the 1st respondent had appointed another officer vide letter dated 20.01.2019. However, the enquiry officer vide letter dated 24.05.2022 expressed his inability to conduct inquiry and thus, the departmental proceedings are not yet concluded.

In the present case, the alleged charge related to for the years 2002-2007 and charge memo was issued on 06.12.2008 and till date the enquiry is not yet been concluded, which is clear violation of G.O.Ms.No.679 dated 01.11.2008. The petitioner is being penalized for no fault of him without considering the explanation, material placed by him before the respondents and also remittance of the alleged amount by the concerned officer i.e., Dr. L.Venkanna by way of demand draft, who was working during the relevant period at PHC, Kambalapalli.

In the light of above discussion, facts and legal precedents, continuation of disciplinary proceedings/enquiry against the petitioner since 06.12.2008 without there being any progress is gross abuse and would lead to grave injustice, harassment, mental agony to the petitioner and also amounts to condemnation of the person and therefore, the proceedings against the petitioner are liable to be set aside/quashed.



## HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

**Acts/Rules:** The Andhra Pradesh transfer of rights to certain specified categories of occupants of unassigned Government lands policy 2008; Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 etc.

**Case Details:** B. Laxmi (died) per B. Bikshapathi Vs Government of Andhra Pradesh, rep., By its Principal Secretary to Revenue, Secretariat, Hyderabad and others in W A Nos.471, 472 and 475 OF 2013. ([Click here for full Judgment](#))

**Date of Judgment:** 12.12.2023.

**Facts:** These three intra court appeals are filed against the common order dated 28.01.2013, passed by learned Single Judge in Writ Petition Nos.26578 and 25790 of 2003 and 27777 of 2009. Writ Appeal No.471 of 2013 is filed against the order passed in W.P.No.26578 of 2003, whereas in Writ Appeal No.475 of 2013 the order passed in W.P.No.25790 of 2003 has been challenged. In Writ Appeal No.472 of 2013 the order passed in W.P.No.27777 of 2009 is under challenge.

**Held:** A reading of the provisions of Act, 1955, Sections 4 to 8 indicates the persons who are entitled for grant of ORC. For the purpose of grant of ORC, relevant date is 01.11.1973 as held by a catena of decisions of this Court and confirmed by the Hon'ble Supreme Court. The indispensable requirement namely the actual possession of land and personal cultivation is a sine quo non for grant of ORC as on 01.11.1973. This requirement has to be met by verification of the relevant records by the authority and also taking into consideration the documentary evidence relied upon by the applicants/claimants. In the present case, the finding by the Appellate Authority is that the pahani for the year 1973-74 is tampered, which is crucial. The Appellate Authority has rightly negated the claims. The learned Single Judge has declined to interfere with the order of the Appellate Authority. The findings of the fact record by the Appellate Authority as well as learned Single Judge are based on meticulous appreciation of evidence on record. The findings do not suffer from any infirmity warranting interference in these appeals.

This Court does not perceive any merit in these appeals and accordingly, the same are dismissed.



## HON'BLE SMT. JUSTICE SUJANA KALASIKAM

**Acts/Rules:** Civil Procedure Code etc.

**Case Details:** Dhanala Peraiah Vs Dhanala Venkateswarlu in CRP 1364 of 2023. ([Click here for full Judgment](#))

**Date of Judgment:** 22.12.2023.

**Facts:** The present revision petition is filed seeking to set aside the order dated 13.03.2023 made in I.A.No.7 of 2023 in O.S.No.5 of 2021 on the file of the Principal District Judge, Khammam.

The respondent No.1/plaintiff filed O.S.No.5 of 2021 under Order XX Rule 18 of Civil Procedure Code (for short 'C.P.C.') seeking partition and separate possession of the suit schedule property. In the said O.S., plaintiff Nos.2 to 4 filed I.A.No.7 of 2023 under Order XLVII Rule 1 read with Section 151 of C.P.C., praying to review or recall the common order dated 08.11.2022 made in I.A.Nos.3, 4 and 5 of 2021 in O.S.No.5 of 2021.

**Held:** Having regard to the rival submissions made and ongoing through the material placed on record, it is noted that the main contention of the learned counsel for petitioner is that suit filed by dead person is not maintainable, as such, it cannot be numbered. However, on perusal of the material placed on record it is noticed that the suit was initially filed by plaintiff on 30.06.2020 and he died on 04.07.2020. Therefore, in view of the judgment of the Hon'ble Supreme Court in Sarah Mathew Vs Institute of Cardio Vascular Diseases ((2014) 2 SCC 62) it can be said that the suit was instituted on 30.06.2020. The relevant paragraph No.39 reads as under:

*"39. As we have already noted in reaching this conclusion, light can be drawn from legal maxims. Legal maxims are referred to in Bharat Kale [Bharat Damodar Kale v. State of A.P., (2003) 8 SCC 559 : 2004 SCC (Cri) 39] , Japani Sahoo [Japani Sahoo v. Chandra Sekhar Mohanty, (2007) 7 SCC 394 : (2007) 3 SCC (Cri) 388] and Vanka Radhamanohari [Vanka Radhamanohari v. Vanka Venkata Reddy, (1993) 3 SCC 4 : 1993 SCC (Cri) 571] . The object of the criminal law is to punish perpetrators of crime. This is in tune with the well-known legal maxim nullum tempus aut locus occurrit regi, which means that a crime never dies. At the same time, it is also the policy of law to assist the vigilant and not the sleepy. This is expressed in the Latin maxim vigilantibus et non dormientibus, jura subveniunt. Chapter XXXVI CrPC which provides limitation period for certain types of offences for which lesser sentence is provided draws support from this maxim. But, even certain offences such as Section 384 or 465 IPC, which have lesser punishment may have serious social consequences. The provision is, therefore, made for condonation of delay. Treating date of filing of complaint or date of initiation of proceedings as the relevant date for computing limitation under Section 468 of the*



*Code is supported by the legal maxim actus curiae neminem gravabit which means that the act of court shall prejudice no man. It bears repetition to state that the court's inaction in taking cognizance i.e. court's inaction in applying mind to the suspected offence should not be allowed to cause prejudice to a diligent complainant. Chapter XXXVI thus presents the interplay of these three legal maxims. The provisions of this Chapter, however, are not interpreted solely on the basis of these maxims. They only serve as guiding principles”*

Further, though learned counsel for petitioner contended plaintiff died on 04.07.2020 but the petition to bring his legal heirs on record was filed on 27.03.2021 with inordinate delay, there is no force in the said contention as the Hon'ble Supreme Court excluded the period from 15.03.2020 till 28.02.2022 for computing the limitation in filing petitions/ applications/suits/appeals/all other quasi proceedings under the general law of limitation and other special laws. In addition to that, though learned counsel for petitioner contended that only one review application was filed challenging the orders passed by the trial Court in three different applications, having regard to the judgment rendered by the Hon'ble Supreme Court in Perumon Bhagvathy Devaswom Vs. Bhargavi Amma (2008 (8) SCC 321) this Court is of the opinion that one review application is sufficient to review the common order dated 08.11.2022 passed by the trial Court in I.A.Nos.3, 4 and 5 of 2021 in O.S.No.5 of 2021. The relevant paragraph No.22 reads as under:

*“22. We accordingly allow this appeal and set aside the orders dated 5-10-2005 of the High Court dismissing the three applications and the consequential order dated 5-10-2005 closing the appeal as having abated. The delay is condoned. Abatement is set aside. The legal representatives of the deceased second respondent in the second appeal are permitted to be brought on record. The cause-title of the memorandum of second appeal before the High Court shall be amended. The High Court will now proceed to hear the appeal on merits in accordance with law. Parties to bear their respective costs.”*

In the light of the above, it can be said that there is no illegality committed by the trial Court in impugned order dated 13.03.2023 made in I.A.No.7 of 2023 in O.S.No.5 of 2021 and there are no merits in the present revision petition. Accordingly, the Civil Revision Petition is dismissed.







**SANCTIONED STRENGTH, WORKING STRENGTH, AND VACANCY POSITION OF  
HON'BLE JUDGES OF THE HIGH COURT FOR THE STATE OF TELANGANA  
AS ON 31-12 - 2023**

Hon'ble Judges	Sanctioned Strength	Total Number of Judicial Officers Working	Total Number of Vacancies
Permanent	32	21	11
Additional	10	5	5
<b>Total</b>	<b>42</b>	<b>26</b>	<b>16</b>

Note:

1. Hon'ble Sri Justice Abhinand Kumar Shavili, Senior-most Judge of this High Court is appointed to perform the duties of the office of Chief Justice of this High Court on 15-07-2023 F.N. and continued as such till 22-07-2023 A.N.
2. Hon'ble Sri Justice P.Sam Koshy, Judge of Chhattisgarh High Court is appointed as a Judge of this High Court and assumed charge as such on 19-07-2023 F.N.
3. Hon'ble Sri Justice Alok Aradhe, Judge of the Karnataka High Court is appointed as Chief Justice of this High Court and assumed charge as such on 23-07-2023 F.N.

**The following are the Hon'ble Judges of this High Court who are transferred to other High Courts:**

Sl. No.	Name of the Hon'ble Judge	Transferred as	Assumption of charge on	Remarks
1.	Hon'ble Sri Justice M.S.Ramachandra Rao	Judge of High Court of Punjab and Haryana	12-10-2021	Appointed as Chief Justice of Himachal Pradesh High Court and assumed charge as such on 30-05-2023
2.	Hon'ble Sri Justice T.Amarnath Goud	Judge of Tripura High Court	28-10-2021	Appointed to perform the duties of the office of Chief Justice of Tripura High Court from 11-11-2022 to



				14-02-2023 and from 23-02-2023 to 16-04-2023.
3.	Hon'ble Dr. Justice D.Nagarjun	Judge of High Court of Madras	06-04-2023	---
4.	Hon'ble Sri Justice A.Abhishek Reddy	Judge of Patna High Court	15-05-2023	---
5.	Hon'ble Sri Justice M.Laxman	Judge of Rajasthan High Court	01-11-2023	---
6.	Hon'ble Smt. Justice G.Anupama Chakravarthy	Judge of Patna High Court	01-11-2023	---
7.	Hon'ble Dr. Justice Chillakur Sumalatha	Judge of Karnataka High Court	23-11-2023	---
8.	Hon'ble Sri Justice Mummineni Sudheer Kumar	Judge of Madras High Court	23-11-2023	---



**Disclaimer:** Above statements are compiled on the basis of figures & Information received from the respective Registry.





## STATEMENT OF WORK DONE IN THE HIGH COURT AS ON 31-12-2023

NATURE OF CASES	PENDING AT THE BEGINNING OF THE MONTH I.E., AS ON 31-12- 2023	INSTITUTIONS FROM 01.10.2023 TO 31-12- 2023	DISPOSALS FROM 01.10.2023 TO 31-12- 2023	PENDENCY
<b>(A) ORIGINAL SIDE (CIVIL)</b>	152431	8203	10712	149922
<b>(B) APPELLATE SIDE (CIVIL)</b>	53756	2222	2907	53071
<b>(C) CRIMINAL SIDE</b>	29969	3924	5311	28582

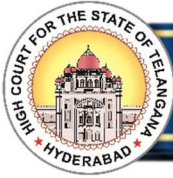
### GRAND TOTAL

<b>GRAND TOTAL OF CIVIL CASES</b>	<b>206187</b>	<b>10425</b>	<b>13619</b>	<b>202993</b>
<b>GRAND TOTAL OF CRIMINAL CASES</b>	<b>29969</b>	<b>3924</b>	<b>5311</b>	<b>28582</b>
<b>GRAND TOTAL OF MAIN CASES</b>	<b>236156</b>	<b>14349</b>	<b>18930</b>	<b>231575</b>



**Disclaimer:** Above statements are compiled on the basis of figures & information received from the respective Registry.





**SANCTIONED STRENGTH, WORKING STRENGTH, AND VACANCY POSITION OF JUDICIAL OFFICERS IN THE STATE OF TELANGANA AS ON 31.12.2023**

S.No	Cadre Strength	Sanctioned Strength	Total Number of Judicial Officers Working	Total Number of Vacancies
1.	District Judges	173	135	38
2.	Senior Civil Judges	142	92	50
3	Junior Civil Judges	245	218	27
<b>TOTAL</b>		<b>560</b>	<b>445</b>	<b>115</b>

**DISTRICT JUDGE (ENTRY LEVEL) UNDER DIRECT RECRUITMENT FOR THE YEAR 2023:**

**Notified for the year 2023:**

The High Court for the State of Telangana has placed a Notification on 25.01.2023 notifying Eleven (11) vacancies in the cadre of District Judge (Entry Level) to be filled by direct recruitment (under 25% quota) for the year 2023. On receipt of applications from the candidates, the Government forwarded 599 applications to the High Court; that the written examination consisting of Paper I (Civil Law), Paper II (Criminal Law), Paper III English (Translation Essay writing and Grammar vocabulary) was conducted on 22.07.2023 and 23-07-2023 at Hyderabad.

Oral Interviews were conducted on 18.10.2023 to the qualified candidates and the hall ticket numbers of provisionally selected candidates were placed in the website of the High Court on 29.12.2023. A letter dated 30.12.2023 was addressed to the Government to issue orders appointing provisionally selected candidates by the High Court, as District Judges, after verification of their antecedents.





**DISTRICT JUDGE (ENTRY LEVEL) UNDER ACCELERATED RECRUITMENT BY TRANSFER FOR THE YEAR 2023:**

**Notified for the year 2023:**

The High Court for the State of Telangana has placed a Notification on 25.01.2023 notifying Twelve (12) vacancies in the cadre of District Judge (Entry Level) to be filled by direct recruitment (under 25% quota) for the year 2023. The written examination consisting of Paper I (Civil Law), Paper II (Criminal Law), Paper III English (Translation Essay writing and Grammar vocabulary) was conducted on 22.07.2023 and 23.07.2023 at Hyderabad. Oral Interviews were conducted on 18-10-2023 to the qualified candidates and the hall ticket number of provisionally selected candidates were placed in the website of the High Court on 29.12.2023.

A letter dated 30.12.2023 was addressed to the Government to issue orders appointing provisionally selected candidates by the High Court, as District Judges, after verification of their antecedents.

**CIVIL JUDGES – 2023**

**Notified for the year 2023 :**

As per the schedule fixed by the Hon'ble Supreme Court of India in Civil Appeal No. 1867 of 2006, the High Court for the State of Telangana has placed a Notification on 15.01.2023 notifying 10 vacancies in the cadre of Civil Judge for the recruitment year 2023.

Further, a detailed common Notification for the posts notified for the year 2023 was issued on 01-02-2023 inviting applications through online for 10 posts of Civil Judges (08 vacancies to be filled under Direct Recruitment and 02 vacancies to be filled under Recruitment by Transfer) in the Telangana State Judicial Service by fixing the last date for submission of online Applications as 01.03.2023 upto 11.59 p.m.; that after the last date, the screening test was conducted on 23-04-2023 by using the technical/online services of the Tata Consultancy Services Limited. The hall ticket numbers of the qualified candidates of Computer based screening test was placed in the website on 15.05.2023 in the ratio of 1:10 of the notified vacancies.



Further, the written examination consisting of 3 papers was conducted on 30.09.2023 and 01.10.2023 at Hyderabad. Further, evaluation of answer papers was completed and the qualified candidates in the written examination were called for oral interview to be conducted on 01.12.2023 and oral interviews were conducted to qualified candidates and the hall ticket numbers of provisionally selected candidates were placed in the website of the High Court on 08.12.2023. Further, a letter dated 30.12.2023 was addressed to the Government to issue orders appointing provisionally selected candidates by the High Court for 07 posts of Junior Civil Judge, out of 10 posts, notified for the year 2023, after verification of their antecedents.





## SANCTIONED STRENGTH, WORKING STRENGTH AND VACANCY POSITION OF MINISTERIAL STAFF IN DISTRICT COURTS AS ON 31.12.2023

Sanctioned Strength	9995
Working Strength	5896
Vacancies	4099

### FILLING UP OF VACANCIES IN THE SUBORDINATE COURTS IN THE STATE OF TELANGANA

#### **Notified for the year 2023 :**

The High Court has taken steps to centralize the process of recruitment of staff in the Subordinate Courts through online by utilizing the technical services of Tata Consultancy Services Limited. Accordingly, the High Court issued Notification Nos. 1/2023 to 6/2023, dated 02.01.2023 inviting applications through online for filling up of 1471 posts of Court staff in the State of Telangana by direct recruitment under Telangana Judicial Ministerial & Subordinate Services, for maintaining confidentiality, transparency and to overcome the delay in recruitment process, the last date for submission of applications was fixed as 31.01.2023. The computer based online examinations were conducted in the State of Telangana to the Notification Nos. 1/2023 to 4/2023 from 03.04.2023 to 05.04.2023 in three (03) shifts per day for notified posts under Telangana Judicial Ministerial Services.

Further the OMR based examinations were conducted in the State of Telangana to the Notification Nos. 5/2023 and 6/2023 on 29.04.2023 in two shifts for notified posts under Telangana Judicial Ministerial Services.

Further on 30.06.2023 the High Court declared the provisional selection of hall ticket numbers of the candidates in the computer based examination in the categories of Junior Assistant, Field Assistant, Examiner, Record Assistant and on 13.07.2023 the High Court declared the provisional selection of hall ticket numbers of the candidates in the OMR based examination in the category of Process Server and Office Subordinate.



Further, Recruitment process is in progress, such as certificate verification of the provisionally selected candidates, verification of antecedents and issuance of appointment orders etc.

### **FILLING UP OF VACANCIES IN THE HIGH COURT FOR THE STATE OF TELANGANA:**

The High Court issued Notification Nos. 1/2023 to 10/2023, dated 11.01.2023 and 23.01.2023 inviting applications through online for direct recruitment to the posts in terms of the Service Rules of the High Court for the State of Telangana, 2019.

### **Court Master and UD Steno Notification Nos.1/2023 and 5/2023 :**

The skills test were conducted to the eligible candidates for the posts of Court Master and U.D. Steno pursuant to the Notification Nos.1/2023 and 5/2023 after completion of certification on 18.03.2023. Further, on 24.03.2023 declared the provisionally qualified candidates to attend the oral interview. Accordingly, oral interviews were conducted on 29.03.2023 and the hall ticket number of provisionally selected candidates were placed in the website of the High Court on 31.03.2023.

### **Translator Notification No. 2/2023, dated 11-01-2023 :**

The High Court issued Notification inviting applications through online for direct recruitment to ten (10) posts of Translators in the service of the High Court for the State of Telangana, However, the said Recruitment Notification is cancelled for the reason that none of the candidates applied for the said posts.

### **Assistant Librarian Notification No.4/2023, dated 11-01-2023 :**

The High Court issued Notification No. 4/2023 dated 11.01.2023, inviting applications for direct recruitment to the posts of Assistant Librarian in the service of the High Court for the State of Telangana. Further, the High Court scrutinized the applications and prepared the list of eligible and ineligible candidates and placed the same in the website of the High Court on 27.03.2023. Accordingly, the examination was conducted on 01-04-2023 in High Court premises. Further, oral interviews were conducted on 04.12.2023 and the hall ticket number of provisionally selected candidates were placed in the website of the High Court on 19.12.2023.





**Computer Operator Notification No. 3/2023, dated 11-01-2023 :**

The High Court issued Notification No. 3/2023, dated 11.01.2023, inviting applications for direct recruitment to the posts of Computer Operator in the service of the High Court for the State of Telangana. Further, the High Court scrutinized the applications and prepared the list of eligible and ineligible candidates and placed the same in the website of the High Court on 27.03.2023 fixing the date of Computer based examination on 01.04.2023. Further, the High Court conducted the Typing test/Skill test on 10.12.2023 (Sunday) at the TCS Examination Centers. Further, Recruitment process is in progress.

**Assistant, System Assistant and Examiner Notification Nos. 6/2023 to 8/2023 :**

The High Court issued Notification Nos. 6/2023 to 8/2023, dated 11.01.2023, inviting applications for direct recruitment to the posts of Assistant, System Assistant and Examiner in the service of the High Court for the State of Telangana. The computer based online examinations were conducted on 31-03-2023 in three (03) shifts. Further, oral interviews were conducted from 04.12.2023 to 15.12.2023 and the hall ticket number of provisionally selected candidates were placed in the website of the High Court on 19.12.2023.

**Office Subordinate Notification No.9/2023, dated 11-01-2023 :**

The High Court issued Notification No.9/2023, dated 11-01-2023, inviting applications for direct recruitment to the posts of Office Subordinate in the service of the High Court for the State of Telangana. Further, The High Court conduct OMR based examination on 30-04-2023. Further, oral interviews were conducted on 18-12-2023 and 19-12-2023. Further, Recruitment process is in progress.

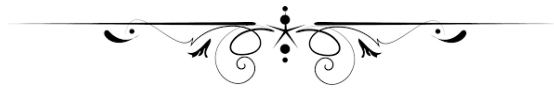
**Driver Notification No.10/2023, dated 23-01-2023 :**

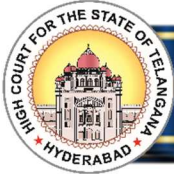
The High Court issued Notification No.10/2023, dated 23.01.2023, inviting applications for direct recruitment to 12 posts of Driver in the service of the High Court for the State of Telangana. Further, the High Court scrutinized the applications and prepared the list of eligible and ineligible candidates and placed the same in the website of the High Court on 19.05.2023. Accordingly, the High Court conducted the



skill test in Driving to the eligible candidates on 26.05.2023, 27.05.2023 and 29.05.2023.

Further, oral interviews were conducted on 15.06.2023 and the hall ticket numbers of provisionally selected candidates were placed in the website of the High Court on 07.06.2023.





## DISTRICT-WISE STATEMENT OF THE INSTITUTIONS, DISPOSAL AND PENDING OF CASES FROM 01-10-2023 TO 31.12. 2023

Sl.No	NAME OF THE DISTRICT / UNIT	CIVIL			CRIMINAL		
		INSTITUTION	PENDING	DISPOSAL	INSTITUTION	PENDING	DISPOSAL
1	ADILABAD	363	423	2,358	1,546	1,692	6,230
2	KUMURAMBHEEM ASIFABAD	65	78	1,242	3,722	3,772	3,609
3	MANCHERIAL	777	690	5,383	12,008	12,062	11,345
4	NIRMAL	175	170	2,153	3,383	3,506	6,184
5	HYDERABAD - i) CITY CIVIL COURTS	5,254	5,857	54,699	191	274	1,809
6	ii) CITY SMALL CAUSES COURTS	105	133	1,007	0	0	0
7	iii) METROPOLITAN CRIMINAL COURTS	0	0	0	26,372	26,699	99,054
8	iv) TRIBUNALS	126	185	3,296	6	7	34
9	v) CBI UNIT	0	0	0	61	53	1,593
10	KARIMNAGAR	991	829	12,543	2,520	2,257	22,098
11	JAGTIAL	396	573	5,472	1,036	1,185	11,463
12	RAJANNA SIRCILLA	468	468	6,221	1,469	1,454	11,636
13	PEDDAPALLY	319	325	4,126	677	813	7,550
14	KHAMMAM	1,514	1,535	13,496	3,068	3,106	20,186
15	BADRADRI KOTHAGUDEM	444	484	3,056	1,560	1,601	15,719
16	MAHABUBNAGAR	1,185	1,239	7,600	2,257	2,505	10,901
17	JOGULAMBA GADWAL	245	386	3,931	3,154	3,540	4,720
18	NARAYANPET	442	495	6,499	1,776	2,326	7,355
19	NAGARKURNOOL	140	383	2,015	424	647	3,621
20	WANAPARTHY	385	439	4,376	2,224	2,350	5,922
21	MEDAK	1,064	624	4,244	1,222	1,441	7,587
22	SANGAREDDY	1,978	1,286	15,194	3,656	3,838	15,753
23	SIDDIPET	723	764	8,922	6,880	7,404	12,539
24	NALGONDA	893	1,207	15,356	9,368	9,960	25,473
25	SURYAPET	547	822	8,547	3,805	4,208	16,868
26	YADADRI BHUVANAGIRI	503	457	8,146	3,072	3,311	11,172
27	NIZAMABAD	1,270	1,177	9,282	1,036	807	13,299
28	KAMAREDDY	293	300	3,977	994	817	8,861
29	RANGAREDDY	4,426	5,000	47,340	7,374	7,329	63,787
30	MEDCHAL-MALKAJGIRI	3,802	3,355	34,003	4,125	3,955	50,474
31	VIKARABAD	470	317	7,779	1,912	1,964	8,947
32	WARANGAL	596	609	9,519	1,833	1,749	11,886
33	HANUMAKONDA	1,047	1,015	14,658	1,244	1,560	15,636
34	JANGAON	364	250	5,313	430	483	5,676
35	JAYASHANKAR BHUPALAPALLY	695	673	2,448	329	471	5,748
36	MAHABUBABAD	253	466	3,501	461	706	7,956
37	MULUGU	71	117	920	273	357	2,535
<b>GRAND TOTAL</b>		<b>32,389</b>	<b>33,131</b>	<b>3,38,622</b>	<b>1,15,468</b>	<b>1,20,209</b>	<b>5,35,226</b>

**Disclaimer:** Above statements are compiled on the basis of figures & Information received from the respective Registry.





### **(I). Outreach Legal Services Activities :**

The DLSA, Nizamabad, has organized Module Legal Services Camp on NALSA (Victims of Trafficking & Commercial Sexual Exploitation), NALSA (Effective Implementation of Poverty Alleviation Scheme, 2015 & NALSA (Legal Services to Senior Citizen) Schemes at Nizamabad on 07.10.2023 in coordination with concerned Government Departments.

The Module Camp was inaugurated by Hon'ble Sri Justice P. Sam Koshy, Executive Chairman, TSLSA, in the august presence of Hon'ble Dr. Justice C. Sumalatha, Judge, High Court for the State of Telangana & Administrative Judge, Nizamabad District.

Sri S. Goverdhan Reddy, Member Secretary, TSLSA; Smt. Suneetha Kunchala, Chairperson, DLSA, Nizamabad; Judicial Officers, District Collector and Commissioner of Police, Nizamabad, Member of Bar Council of Telangana, President & Members of Bar Association and others have also participated in the programme.

Hearing Aids, Wheel Chairs, Bicycles, Artificial Limbs were distributed to the needy persons. Lok Adalat & Victim Compensation Cheques were also distributed to the beneficiaries. Identity Cards were issued to the workers of Building & Unorganized Sector, Blankets were distributed to the senior citizens, dry ration distributed to the sex workers. SBI, UB Banks have donated, Air Coolers, Water Purifier for the use of DLSA as part of corporate social responsibility initiative.



- ✦ On 17.10.2023, the Hon'ble Executive Chairman, TSLSA, has conducted Interaction Meeting with the State Level officials of Insurance Companies, TSRTC and Claimant Advocates to discuss about fixation of notional income, for settlement of cases in Lok Adalat.
- ✦ On 21.11.2023, the Hon'ble Executive Chairman, TSLSA, has conducted Interaction Meeting with the State Level officials of Insurance Companies and Claimant Advocates to discuss about the draft notional income chart and to explore the possibilities of settlement of good number of MACMA / MVOP Cases.
- ✦ The District Legal Services Authority, Kamareddy, has conducted an Awareness Program on Human Trafficking Scheme at Court premises District Court Hall, Kamareddy. The Chairperson, District Legal Services Authority, Kamareddy, has participated as Chief Guest and addressed the gathering that the people are often trafficked throughout India for purposes of commercial sexual exploitation and the problem of child trafficking has grown to serious proportions in recent years. Sex tourism, entertainment industry and obscenity in print and electronic media. In some cases, the victims were taken to other States for domestic help, lumpsum payment to family heads for marriages of poor girls, fake marriages, love affairs with promise of marriage, employment in commercial/industrial sectors, group etc. But in some other cases, trafficking takes place within the State. The Government's policy on trafficking covers various aspects, such as trafficking, intelligence sharing, rescue, rehabilitation, economic empowerment, health care, education, housing, legal reforms and formulation of policies to address the problem of trafficking. If anyone causes trouble, a complaint should be filed at the nearest Police Station and the government and officials are ready to protect the girl child.





- As per the directions of the Hon'ble Chief Justice, High Court for the State of Telangana, in coordination with the Mediation & Conciliation Project Committee (MCPC), Supreme Court of India and Telangana State Judicial Academy has organized 40 hours Training Programme on mediation and conciliation to (25) Senior Counsels of the Hon'ble High Court during the period from 04.12.2023 to 08.12.2023 at High Court Buildings.



- The Hon'ble Chief Justice & Patron-in-Chief and Hon'ble Executive Chairman, TSLSA have interacted with all the Chairpersons and Secretaries of DLSAs through virtual mode on 14.12.2023 in connection with the ensuing National Lok Adalat held on 30.12.2023.



- ✚ The Hon'ble Executive Chairman, TSLSA, has interacted with the Director General of Police, Traffic Police Commissioner, Addl. DGP on 20.12.2023 in connection with the ensuing National Lok Adalat held on 30.12.2023.
- ✚ The Hon'ble Executive Chairman, TSLSA, has interacted with all the Chairpersons and Secretaries of DLSAs through virtual mode on 26.12.2023 in connection with the ensuing National Lok Adalat held on 30.12.2023.
- ✚ On 28.12.2023, the Women Safety Wing, Telangana State Police, has conducted a meeting with all the Stakeholders of Telangana State on Operation Muskan. The Administrative Officer, TSLSA, has attended the meeting.
- ✚ The Hon'ble Chief Judge, CCCLSA, Hyderabad, has interacted with the parties in connection with the ensuing National Lok Adalat held on 30.12.2023.





- ✚ On 01-12-2023 **“World HIV/AIDS Day”** conducted Legal Awareness Programme on AIDS caused by the spread of HIV infection, its prevention and control in coordination with M & H Department officials along with Para Legal Volunteers.



- ✚ On 04-12-2023 visited to Sweekar Multi Speciality Rehabilitation Centre at Secunderabad to observe "Disability Day" and conducted Legal Awareness Programme on the topic of NALSA (Legal Services for differently abled children) Scheme, 2021.



- ✚ On 18-12-2023 visited to Agri Legal Aid Clinic and conducted Legal Awareness Programme on the topic of NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme 2015.



### **SUCCESS STORIES :**

- ✚ The Mediation Centre, Metropolitan Legal Services Authority, Hyderabad, has conducted successful mediation in a Court referred matter. The matter was amicably settled between the parties in terms of child custody and property with the efforts of Mediator.
- ✚ Smt. K. Lavanya filed a petition before the DLSA, Adilabad, stating that her husband is harassing her since four months and not looking her welfare and, as such, she is residing with her parents. She requested the DLSA to issue notice to her husband for settlement. The DLSA took up the matter as PLC.No.200 of 2023. After conciliation, both the parties amicably settled the matter and the couple is living together.
- ✚ Smt. More Chandrakala filed a petition before DLSA, Adilabad, stating that she is the absolute owner, possessor and pattedar of land bearing Sy.No.24/B, admeasuring Ac.1.38 gts., situated at Gimma-K Village, Jainath Mandal, Adilabad District. She filed a petition before the Tahsildar, Jainath Mandal, for demarcation of land, but they are delaying the demarcation of land on one pretext or other and, as such, requested the DLSA to call upon the Respondent/Tahsildar to settle the matter. The DLSA, Adilabad,



has issued notice to the Respondent. After conciliation, the Tahsildar, Jainath Mandal, filed report stating that the matter was settled, as the land was demarcated by the Revenue officials after conducting survey.

- ✚ A news item was published in Eenadu daily news paper dt.18.8.2023, under the caption “egabakuthunna nirlakshyam”. The contents of the news item are that the dangerous creepers are growing and passing on the electricity poles situated at Mahalaxmiwada of Adilabad and, as such, there is a risk of short circuit in that area.

DLSA, Adilabad, has issued a notice to Superintendent of Engineer, TS NSPDCL, Adilabad, to rectify the problem. The Electricity officials removed the overgrown weeds and public problem was rectified with the intervention of DLSA, Adilabad.

- ✚ A news item was published in Enadu daily news paper dt.1.9.2023, under caption “allukuntunna..pramadam”. The contents of the news item are that a transformer, near Dhobighat of Adilabad Town, overgrown with weeds and vines and, as such, there is a risk of short circuit in that locality. The DLSA, Adilabad, has issued a notice to the Superintendent of Engineer, TS NSPDCL, Adilabad, to rectify the problem. The Electricity officials removed overgrown weeds and the problem was rectified with the intervention of DLSA, Adilabad.

- ✚ A news item was published in Eenadu daily news paper dt.21.09.2023, under the caption “Jatiya rahadari....pramadakaramga mari”. The contents of the news item are that, due to heavy rains, the National Highway Road near Ichoda Village, was damaged, causing inconvenience to the heavy vehicles plying on roads. The DLSA, Adilabad, has issued a notice to National Highways Authority to take steps in the matter. Immediately, the road was got repaired by the National Highway Authorities.

- ✚ A news item was published in Eenadu daily news paper dt.3.8.2023, under the caption “theegale aadharam...padithe pramadam”. The contents of the news item are that, due to heavy rains, Electric pole near Khandala ghat road was damaged posing danger to the villagers traveling on the road. The DLSA, Adilabad, has issued a notice to TS NSPDCL, Adilabad, to rectify the problem. The Electricity officials have erected a new pole and the problem was resolved with the intervention of DLSA, Adilabad.

- ✚ A news item was published in Eenadu daily news paper dt.10.9.2023, under caption “anthargatha rahadari...guntaluga maari”. The contents of the news item are that the roads in Ramnagar Ward of Adilabad Town were damaged due to heavy rains, causing much inconvenience to the general public. The DLSA, Adilabad, has issued a notice to the Commissioner, Municipality, Adilabad, to repair the roads. The roads were got





repaired by the Commissioner, Municipality, Adilabad, and the problem was rectified with the intervention of DLSA, Adilabad.

- ✚ The Chairman, District Legal Services Authority, Adilabad has visited Rajuguda village on 04.11.2023, which is situated on the top of a hill. During the visit, it was observed that there is no road facility to the villagers and the way being used by the villagers is very dangerous either to climb up or come down. A child in the village was provided with milk packets, grocery items and clothes etc. The father of the child stated that he belongs to ST(Kolam) community and he is very poor and having no source of income to take care of his daughter and oldaged parents and requested to provide employment and submitted an application in that regard on 17.11.2023.

The DLSA, Adilabad has forwarded the said application to the Project Officer, ITDA, Utnoor, for consideration. The DLSA has also taken steps for issuance of Birth Certificate and Aadhar Card to the child and accordingly, the Birth Certificate and Aadhar Card were issued to the child.

- ✚ A partition suit in OS No. 232 of 2009 on the file of Chief Judge, City Civil Court, Hyderabad, was settled with the intervention of Lok Adalat Bench. The brief facts of the case are that the Plaintiff-Lanka Ravi Prasad and Defendant-G. Jyothi are related to each other by birth, as the Plaintiff is the brother of the Defendant, and they are, admittedly, the only two surviving legal heirs of their parents, namely late Sri Lanka Srirama Murthy and late Smt. Sushila and both the parties belong to Class-I heirs under the Hindu Succession Act, 1956. The parents of the parties died, leaving behind the Property Deed without allotting the respective shares to the legal heirs, due to which the Plaintiff on 09.04.2009 filed a suit for Partition of the suit scheduled property vide O.S No.232 of 2009 on the file of the Chief Judge, City Civil Court, Hyderabad, claiming half a share in the suit schedule property, which was resisted by other party basing on an unregistered GPA dated 04.01.2000 executed by Sri Srirama Murthy and the registered Will Deed dated 03.09.2001 registered by him in her favour,

In orde to resolve the aforesaid dispute arising out of the conflicting claims made by the parties and for effectuating a permanent solution in respect of all the properties of their deceased parents and that there shall not be any claim against each other, in future, in respect of any of the properties of their deceased parents, the parties entered into compromise with the intervention of Lok Adalat by recording the terms and conditions of the Compromise and Settlement Deed agreed between the parties in a long pending suit.



Pursuant to the said compromise, the parties declared that all the disputes and differences between them are settled and that none of the parties has any further or other claim or demand of any nature whatsoever against each other in relation to any of the properties of their deceased parents, including the suit schedule property.

- ✚ With the intervention of the Lok Adalat conducted by City Civil Court Legal Services Authority, M/s. HDFC Ergo General Insurance Co. Ltd., came forward to settle a MVOP case and agreed to pay an amount of Rs.74,00,000/- (Rupees seventy four laths only) as compensation to the petitioners therein.

Another MVOP.No.936 of 2021 on the file of III Addl.Chief Judge's Court, Hyderabad, claimed for Rs.80,00,000/- was also amicably settled by the Universal SOMPO General Insurance Company for an amount of Rs.70,00,000/- before the Lok Adalat, thereby giving finality to the dispute.

- ✚ On 24.05.2023 A woman namely Smt.Vadde.Vasanth w/o V. Ramesh R/o Rajampet, Sangareddy has approached the District Legal Services Authority, Sangareddy and submitted an application stating that her husband is a daily wage construction worker and working under a builder, namely Sri Raju. She stated that on 03-05-2023, the builder Sri Raju was constructing a new house at Mallepally village, Kondapur Mandal where the petitioner's husband went to work and while working the ladder, broke and her husband fell down and grievous sustained spinal injuries. Her injured husband was taken to Keerti Hospital at Sangareddy for necessary treatment.

The petitioner stated that as the builder, under whom her husband was working at the time of accident, did not take any precautionary measures and without a safety belt, her husband has fallen down and sustained grievous injuries. When she approached the builder for financial help to meet the medical expenses, the builder has refused for the same.

The Chairman & Prl.District and Sessions Judge has directed the Secretary, DLSA to take up the matter. The petitioner was advised to lodge a complaint before the concerned police station. With the assistance of Para Legal Volunteer of DLSA, the petitioner has lodged a complaint which was registered as Cr. No. 89/2023 of PS Kondapur, U/Sec. 337 IPC. After lodging the complaint, on 25.05.2023, the petitioner's husband Sri Ramesh has succumbed to injuries.

After the death of her husband, the petitioner has requested the DLSA to take up the matter and provide necessary assistance as she is poor and helpless widow. At the request of the Petitioner, the DLSA has registered the matter as PLC.No: 71/2023



and notices were issued to the concerned Respondents i.e., the builder and the owner of the work place.

Upon enquiry, the DLSA also came to know that Charge Sheet was not yet filed in the matter. The Petitioner has also requested to help her to get compensation from the Labour department, since as her husband was registered as labour under Telangana Building and other Construction Workers Welfare Board. The Petitioner has also informed the DLSA that her husband also had LIC policy and in order to claim the policy amount, the signature of the builder / employer is necessary and as such she requested DLSA to intervene and help her in the matter.

Both the parties were present and several conciliation were held to settle the matter amicably. As a result of the efforts of DLSA, Sangareddy, the employer/ builder of her deceased husband has agreed to sign on the documents. The officials of the Labour Department and LIC, Sangareddy has also responded positively in favour of the Petitioner who is a poor widow.

Thus, with the guidance and efforts of DLSA, Sangareddy, a poor and needy (widow) has received Compensation amount of Rs. 6.30,038/- from the Labour Department towards the accidental death and funeral expenses of her deceased husband.

- ✚ One longstanding case bearing O.S.No.14 of 2012 on the file of Senior Civil Judge's Court, Kamareddy, was settled through Mediation. The case was identified for settlement before the National Lok Adalat held on 30-12-2023. The DLSA, Kamareddy, has constituted one facilitation bench with the Senior Advocates, namely Sri Siddaramulu and Sri Pradeep Reddy.

Both the parties and their counsels Sri P. Rathaker Rao, Sri Venkatram Reddy, Sri Amruth Rao and Sri Bhushan Reddy cooperated for settlement. After several discussions, the parties agreed to settle the matter amicably after survey of all the lands and, finally, the case was compromised before National Lok Adalat.

### **REGULAR LOK ADALATS:**

In the Regular Lok Adalats being conducted during the period from October, 2023 to December, 2023, 1,89,067 cases were settled, out of which 83,624 are Pre-Litigation Cases and 1,05,443 are pending cases, by awarding an amount of Rs.3,07,98,86,806/-.



### **National Lok Adalat on 09.12.2023 :**

On 09.12.2023, National Lok Adalat was successfully conducted throughout the State of Telangana. A total number of 43,11,498 cases (i.e. 36,55,073 Pre-Litigation and 6,56,425 pending litigation cases) were disposed of and an amount of Rs.322.50 Crores was awarded as compensation.

### **LEGAL AID BENEFICIARIES:**

During the the period from October, 2023 to December, 2023 (5,231) Panel Advocates were appointed by the Legal Services Institutions for providing legal aid to the needy persons and (13,439) persons were rendered legal advice.





**HIGH COURT LEGAL SERVICES COMMITTEE  
FOR THE STATE OF TELANGANA**

*Statistical information in respect of Lok Adalats conducted and cases settled during  
the period from Oct, 2023 to Dec, 2023*

Sl. No.	Month & Year	Date of Lok Adalat	No. of Pre-Litigation Cases Taken up	No. of Pre-Litigation Cases Settled	PLC Cases Settled Amount (Rs/-)	No. of Pending Cases Taken up	No. of pending Cases Settled	Pending Cases Settled Amount (Rs/-)	Total Amount (PLC + Pending) (Rs/-)
1.	October, 2023	-	-	-	-	-	-	-	-
2.	November, 2023	-	-	-	-	-	-	-	-
3.	December, 2023	30-12-2023 (National Lok)	52	48	5,94,13,875/-	290	237	10,26,46,945/-	16,20,60,820/-
<b>Total:</b>			<b>52</b>	<b>48</b>	<b>5,94,13,875/-</b>	<b>290</b>	<b>237</b>	<b>10,26,46,945/-</b>	<b>16,20,60,820/-</b>

*Statistical information in respect of Legal Aid provided during the period  
the period from Oct, 2023 to Dec, 2023*

Sl.No.	Month	SC	ST	Women	General	In custody	Persons with Disability	Re-Allotments	Allotments	Total
1.	October, 2023	2	-	15	3	3	-	5	-	28
2.	November, 2023	2	1	16	4	5	1	2	1	22
3.	December, 2023	2	-	6	-	8	1	7	3	27
<b>Total :</b>		<b>6</b>	<b>1</b>	<b>37</b>	<b>7</b>	<b>16</b>	<b>2</b>	<b>14</b>	<b>4</b>	<b>77</b>



**Statistical information in respect of Identification of parties in Criminal  
Petitions/Writ Petitions/Criminal Revision Cases etc., during  
the period from Oct, 2023 to Dec, 2023**

Sl.No.	Month	Crl.P	Crl.RC	Crl.A	W.P	FCA	Total
1.	October, 2023	31	--	--	1	--	32
2.	November, 2023	26	1	1	--	--	28
3.	December, 2023	58	--	--	--	1	59
<b>Total :</b>		<b>115</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>--</b>	<b>119</b>

**Disclaimer:** Above statements are compiled on the basis of figures & Information received from the High Court Legal Services Committee.





## IMPORTANT EVENTS OF TELANGANA STATE JUDICIAL ACADEMY

### **Brief Outline of Trainings, Workshop and events conducted at TSJA:**

During the period from 01.10.2023 to 31.12.2023, The Telangana State Judicial Academy has conducted different training programmes to the Judges of District Judiciary. The programmes during the period include III Basic Course for 37 newly recruited Junior Civil Judges (Spell-1) for a period of four months from 07.10.2023 to 06.02.2024 and II Foundation Course for newly appointed 12 District and Sessions Judges(Entry Level) (Spell-II) for a period of three months from 06.11.2023 to 05.02.2024. The academy has also conducted a Workshop on 'Data Management'.

### **Speakers:**

The participants of various training programmes have gained from the lectures and interactions from distinguished speakers, such as Hon'ble Sri Justice Abhay S Oka, Judge, Supreme Court of India; Hon'ble Sri Justice K.Laxman, Judge High Court for the State of Telangana and Member, Board of Governors, Hon'ble Sri Justice B.Vijaysen Reddy, Judge High Court for the State of Telangana and Member, Board of Governors; Hon'ble Sri Justice G.V. Seethapathy, Former Judge, High Court of A.P, Hon'ble Sri Justice G.Bhavani Prasad, Former Judge, High Court of Andhra Pradesh, Hon'ble Sri Justice C.Praveen Kumar, former Judge, High Court of A.P, Hon'ble Sri Justice A.Rajasheker Reddy former Judge, High Court of Telangana and Hon'ble Sri Justice M.Seetharama Murthi, Chairperson, A.P. Human Rights Commission. The other speakers include various eminent personalities from different walks of life.

### **Trainings and Events:**

The III Basic Course for 37 newly recruited Junior Civil Judges (Spell-1) was inaugurated on 07.10.2023 by His Lordship Hon'ble Sri Justice Alok Aradhe, The Chief Justice, High Court for the State of Telangana and Patron-in-Chief of Telangana State Judicial Academy, in the august presence of Hon'ble Sri Justice P.Sam Koshy, Judge, High Court for the State of Telangana; Hon'ble Sri Justice Abhinand Kumar Shavili, Judge, High Court for the State of Telangana & President, Telangana State Judicial Academy, Hon'ble Sri Justice K.Lakshman and Hon'ble Sri Justice B.Vijaysen Reddy, Judges, High Court for the State of Telangana and Members, Board of Governors, T.S. Judicial academy.



The inaugural session was also attended by Hon'ble Smt. Justice P. Sree Sudha, Judge, High Court for the State of Telangana, Hon'ble Smt. Justice Gunnu Anupama Chakravarthy, Judge, High Court for the State of Telangana., Hon'ble Smt. Justice Sujana Kalasikam, Judge, High Court for the State of Telangana.

The key note address was delivered by Hon'ble Sri Justice Alok Aradhe, The Chief Justice, High Court for the State of Telangana and Patron-in-Chief, Telangana State Judicial Academy. Hon'ble Sri Justice Abhinand Kumar Shavili, Judge, High Court for the State of Telangana & President, Telangana State Judicial Academy have also addressed the newly recruited Civil Judges (Junior Division).



The Course curriculum for this first spell for the newly appointed Civil Judges (Junior Division) is designed in such a way that the officers would be imparted theoretical knowledge and would immediately be made to deal with the case file on the subject and write orders and judgments and, while dealing with each type of case, would get hands-on learning of practically applying the theory and the law around the topic to the case at hand and was also designed to introduce them to the importance of writing of docket orders at each stage of proceeding in the case.

The II Foundation Course for newly appointed 12 District and Sessions Judges (Entry Level) (Spell-II) is also being conducted at the Telangana State Judicial Academy and the Course curriculum in this 2<sup>nd</sup> spell was designed to enable the Officers to get practical exposure about the working of various institutions by visiting the same. The training also included court observations, both on Civil and Criminal side. The officers





after observing workings of various institutions used to interact with the faculty at the Academy after completion of each visit, and would share the best practices which each of them have observed during the visits.

As part of the training, the trainee District Judges visited Metropolitan Sessions Court Complex, Nampally; Malkajgiri Court Complex, City Civil Court Complex and had fruitful interaction with the Presiding Officers of the Courts who gave inputs to the officers on the court management and the procedures. The Academy has organized visits to various institutions, such as Telangana State Narcotics Bureau, Banjara Hills, Hyderabad; Begumpet Police Station, Cherlapally Central Prison, Women Safety Wing and Bharosa Centre, Sakhi Centre, visit to Forensic Science Lab and CCMB etc.

The classroom sessions were also conducted on various subjects including English & Telugu languages, translations and Judgment writing skills and the sessions were addressed by the Heads of Departments from various Universities. Hon'ble Sri Justice Abhay S. Oka, Judge, Supreme Court of India, have interacted with the Trainee District Judges on the topic "Effective Conduct of Court Proceedings."

In continuation of the then idea of Hon'ble High Court to establish a Digital Academy, the Telangana State Judicial Academy has further collaborated with "Vidhi Centre for Legal Policy" and has conducted a Virtual Session on the topic "Data Management" for the District Judges working in Fast Track Special Courts for expeditious disposal of cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, Senior Civil Judges and Junior Civil Judges working in the State of Telangana on 04.11.2023 from 11.00 am to 12.00 noon through ECHO platform.

