

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

[3418]

**TUESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 927 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 23/02/2024 in the W P No 4863 of 2024. on the file of the High Court.

Between:

1. G. Bhikshapathi, S/o. late Kistaiah Aged about 50 years, Occ. Business PratibhaNilayam, Sy No 44, Swarnabharati Colony Bowenpally, Secunderabad.
2. Smt G. Pratibha, W/o G. Bhikshapathi Aged about 48 years, Occ. Housewife R/o. PratibhaNilayam, Sy No 44, Swarnabharati Colony Bowenpally, Secunderabad.

AND

...PETITIONERS/APPELLANTS

1. N. Ankineedu, S/o. late Subba Rao Aged about 65 years, Occ. Retd Employee R/o. Plot No.13, SwarnaBharati Colony Peddathokatta, New Bowenpally, Secunderabad.

...RESPONDENT/PETITIONER

2. The Union of India, Rep by its Secretary Ministry of Defence Department New Delhi.
3. The Chief Executive Officer, Secunderabad Cantonment Board City Civil Court Compound Secunderabad.

...RESPONDENTS/RESPONDENTS

IA NO: 4 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders passed in Writ Petition No. 4863 of 2024 dated 23.02.2024 pending disposal of the Writ Appeal.

**Counsel for the Appellants: SRI PRABHAKAR PERI
Counsel for the Respondent No.1: SRI C.HARI PREETH
Counsel for the Respondent No.2: SRI GADI PRAVEEN KUMAR, Dy.
SOLICITOR GENERAL OF INDIA
Counsel for the Respondent No.3: SRI K.R.KOTESWARA RAO, SENIOR SC
FOR SCB**

The Court made the following: JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT APPEAL No.927 of 2024

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

Mr. Peri Prabhakar, learned counsel appears for the appellants.

Mr. C. Haripreeth, learned counsel appears for respondent No.1.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India appears for respondent No.2.

Mr. K.R. Koteswara Rao, learned Senior Standing Counsel for Cantonment Board appears for respondent No.3.

2. In this intra court appeal, the appellants have assailed the validity of the order dated 23.02.2024 passed by the learned Single Judge by which Writ Petition No.4863 of 2024 filed by respondent No.1 has been disposed of with the direction to the Chief Executive Officer, Secunderabad Cantonment Board to consider the representations dated 31.10.2023, 11.10.2023 and 03.11.2021 and implement the order dated 16.02.2023 passed by the III Senior Civil Judge, City Civil Court, Secunderabad, in E.P.No.599 of 2014 in O.S.No.757 of 2004.

3. Admittedly, the appellants are not parties to the aforesaid Writ Petition. Therefore, the order dated 23.02.2024 passed in the aforesaid Writ Petition does not bind the appellants.

4. In view of law laid down by the Supreme Court in **Shivdeo Singh v. State of Punjab**¹ as well as Division Bench of this Court in **Palavalasa Padmanabham v. State of Andhra Pradesh**², learned counsel for the appellants after arguing the matter to some extent submits that the appellants be granted liberty to avail the remedy before the appropriate forum.

4. In view of aforesaid submission, the Writ Appeal is disposed of in terms of the liberty as prayed for.

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

¹ AIR 1963 SC 1909
² 2003 (4) ALD 449 (DB)

//TRUE COPY//

SD/- M. MANJULA
DEPUTY REGISTRAR

Manjula
SECTION OFFICER

To

1. The Secretary, Union of India, Ministry of Defence Department New Delhi.
2. The Chief Executive Officer, Secunderabad Cantonment Board City Civil Court Compound Secunderabad.

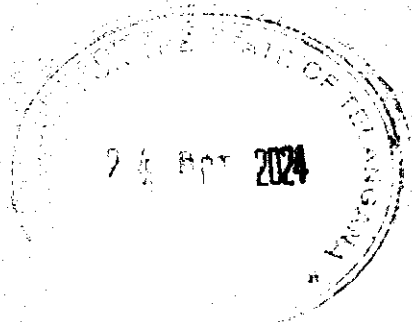
3. One CC to SRI PRABHAKAR PERI, Advocate [OPUC]
4. One CC to SRI C.HARI PREETH, Advocate [OPUC]
5. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GENERAL OF INDIA [OPUC]
6. One CC to SRI K.R.KOTESWARA RAO, SENIOR SC FOR SCB [OPUC]
7. Two CD Copies

PSK
GJP

PS

HIGH COURT

DATED:06/08/2024



JUDGMENT

WA.No.927 of 2024

**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS.**

9 copies
Fr
27/9/24