

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

WEDNESDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1247 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 14/10/2024, in W.P. No. 17432 of 2024 on the file of the High Court.

Between:

1. Abboju Jaya, W/o Abboju Chandra Chary, Aged about 52 years, Occ. Labour, Rio Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
2. Gudepu Soundarya, D/o Bakkaiah, Aged about 60 years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
3. Gudepu Bhagya Laxmi, D/o Panidala Komuraiah, Aged about 36 years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
4. Md. Jubeda Begum, W/o Bade Miya, Aged about 34 years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
5. Padugula Ravali, W/o Padugula Siriyala, Aged about 28 years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
6. Nalike Neelamma, W/o Ramaswami, Aged about 73 ears, Occ. Coolie, Rio Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
7. Gurrala Narsamma, W/o Gurrala Kista Swami, Aged about 54 years, Occ. Agriculture Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
8. Bonthala Sunitha, W/o Bonthala Sadaiah, Aged about 41 years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
9. Jakkula Sammakka, W/o Jakkula Sambaiah, Aged about 53 years, Occ. Agricultural Coolie, Rio Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
10. Shek Nazeer, S/o Anwar, Aged about 31 years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
11. Rella Amrutha, W/o Ailaiah, Aged about 62 years, Occ. Agriculture Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.

12. Polaboina Mamatha, W/o Polaboina Yadagiri, Aged about 33 years, Occ. Labour, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
13. Kondoju Shobha, W/o Devender, Aged about 32 years, Occ. Labour, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
14. Menthula Rama, D/o Danam Muthaiah, Aged about 43 years. Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
15. Menthula Usha Rani, D/o Bandari Chandramouli, Aged about 37 years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
16. Chevula Ramu, S/o Chevula Uppalaiah, Aged about 32 years, Occ. Labour, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
17. Adepu Satyamma, W/o Adepu Ashok, Aged about 46 years, Occ. Agriculture Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
18. Vaddalam Rajyalaxmi, D/o Vangara Venkataiah, Aged about 66 years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
19. Bonagiri Srinivas, S/o. Bonagiri Odelu, Aged about 43 Years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
20. Murahari Mounika, W/o. Murahari Suresh, Aged about 30 Years, Occ. Coolie. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
21. Kathula Swapna, D/o. Kathula Komuraiah, Aged about 38 Years, Occ. Coolie. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
22. Uduthalaboina Pragathi, W/o. Uduthalaboina Sathish, Aged about 37 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
23. Mohammed Munni, W/o. Mohammed Shukoor Pasha, Aged about 44 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
24. Shanaboina Mamatha, W/o. Ravi, Aged about 38 Years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
25. Neelamma Kandadi, W/o. Mallaiah, Aged about 64 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
26. Parikirala Sambalaxmi, W/o. Rajanna, Aged about 48 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
27. Mohammed Sabera, W/o. Mohammad Abbu Shama, Aged about 46 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
28. Chetharasi Lalitha, W/o. Chetharasi Prabhakar, Aged about 48 Years, Occ. Labour. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
29. Polaboina Rama, W/o. Srinivas, Aged about 43 Years, Occ. Labour. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.

30. Kanukuntla Vanitha, W/o. Kanukuntla Raju, Aged about 35 Years, Occ. Labour. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
31. Pendayala Sarojana, W/o. Pendayala Sarangapani, Aged about 51 Years, Occ. Agricultural Coolie. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
32. Chengol Nandhitha, W/o. Narasimha Murthi, Aged about 28 Years, Occ. Agricultural Coolie. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
33. Nallaveni Rama Devi, W/o. Nallaveni Raju, Aged about 46 Years, Occ. Labour. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
34. Pendyala Sarala, W/o. Pendyala Sadanandam, Aged about 53 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
35. Parisha Swarupa, W/o. Parisha Ravi, Aged about 61 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
36. Rudrarapu Chandrakala, W/o. Laxminarayana, Aged about 58 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
37. Gundeti Kumaraswami, S/o. Gundeti Kattaiah, Aged about 45 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
38. Pendyala Omkar, S/o. Pendyala Sadanandam, Aged about 33 Years, Occ. Labour, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
39. Chengol Swarupa, W/o. Chengol Yogesh (Ramesh), Aged about 56 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
40. Rapelli Lalitha, D/o. Shangaru Ramesh, Aged about 34 Years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
41. Jakkula Ramesh, S/o. Ailaiah, Aged about 53 Years, Occ. Labour, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
42. Ankitha Prem Kumar Penti, W/o. Prem Kumar Penti, Aged about 34 Years, Occ. Agricultural Coolie., R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
43. Tallapelli Saipriya, D/o. Tallapelli Chinna Ramesh, Aged about 26 Years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
44. Paindla Shyamala, W/o. Paindla Shambaiah, Aged about 65 Years, Occ. Agricultural Coolie. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
45. Islavath Radha, D/o. Ajmeera Govindu, Aged about 59 Years, Occ. Coolie. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
46. Budidha Subhadra, D/o. Gudepu Rajeer, Aged about 51 Years, Occ. Coolie. R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
47. Gollapelli Bindu, W/o. Gollapelli Chiranjeevi, Aged about 32 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.

48. Tharala Soujanya, W/o. Srikanth, Aged about 28 Years, Occ. Agricultural Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
49. Gudepu Laxmi, D/o. Gudepu Sammayya, Aged about 22 Years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.
50. Palnati Sharada, D/o. Macharla Komuraiah, Aged about 54 Years, Occ. Coolie, R/o Stalin Nagar Colony, Outskirts of Paidipally Village, Near SRSP (Sri Ram Sagar Project Canal), Warangal Mandal and District.

**...APPELLANTS/PETITIONERS
IN W.P.No.17432/2024**

AND

1. The State of Telangana, Rep. by its Principal Secretary, Irrigation and Command Area Development, Secretariat, Hyderabad.
2. The Superintending Engineer, Sri Ram Sagar Project (SRSP) Irrigation Circle, K.C. Colony, Warangal District.
3. The Executive Engineer, Irrigation No.1, Parkal, Hanumakonda District.
4. The District Collector, Warangal, Warangal District.
5. The Commissioner of Police, Warangal District. The Station House Officer, Enumamula Police Station, Warangal District.
6. The Station House Officer, Enumamula Police Station, Warangal District.
7. The Station House Officer, Hasanparthy Police Station, Warangal District.

...RESPONDENTS

IA NO: 2 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 common order passed by the Single Judge of the Honourable High Court dt.14/10/2024 in WP No.17432 of 2024 in the interest of justice and to have such other order or Honourable Court may deem fit, just and proper in the Circumstance of the case.

Counsel for the Appellants: SRI VEERA BABU GANDU

**Counsel for the Respondent Nos.1 TO 3: M/s. S.SWATHI, AGP FOR IRRIGATION AND
COMM AREA DEV**

**Counsel for the Respondent No.4: SRI MURALIDHAR REDDY KATRAM, GP
FOR REVENUE**

Counsel for the Respondent Nos.5 TO 7: SRI MAHESH RAJE, GP FOR HOME

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.1247 of 2024

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

Mr. G.Veera Babu, learned counsel for the appellants.

Ms. S.Swathi, learned Assistant Government Pleader for Irrigation and Command Area Development Department for the respondents No.1 to 3.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondent No.4.

Mr. Mahesh Raje, learned Government Pleader for Home for the respondents No.5 to 7.

2. With the consent of the learned counsel for the parties the matter is heard finally.

3. This intra court appeal is filed against the order dated 14.10.2024 by which the writ petition preferred by the appellants i.e., W.P.No.17432 of 2024 has been dismissed.

4. Facts giving rise to filing of the appeal briefly stated are that the appellants claim to be landless poor persons and have constructed small huts in Stalin Nagar Colony on the outskirts of Paidipally Village, near the Sri Ram Sagar Project Canal, Warangal, admittedly on the Government land. The respondents initiated action for their dispossession. Thereupon, the appellants filed the writ petition in which the action of the respondents in interfering with the possession and enjoyment of the appellants' premises, was assailed *inter alia*, on the ground that the same is illegal and arbitrary. The learned Single Judge, by an order dated 14.10.2024, has dismissed the writ petition. Hence this appeal.

5. Learned counsel for the appellants submits that the appellants have encroached the Government land as they are landless poor persons. It is further submitted that the appellants are entitled to the benefit of the housing scheme framed by the State Government. It is further submitted that the appellants be granted reasonable time to vacate the premises in their occupation.

6. On the other hand, the learned Government Pleader for Revenue has submitted that in case the appellants furnish an undertaking before the respondent No.3 - Executive Engineer, the appellants shall be permitted to occupy the premises for a period of four weeks. It is further submitted that in case the appellants fail to vacate the premises, the respondents be granted the liberty to take action for their eviction. It is also submitted that in case the appellants submit an application for allotment of the houses under the scheme, the same shall be considered in accordance with law.

7. In view of the aforesaid submissions and in the facts and circumstances of the case, it is directed as under:

- i) In case the appellants furnish an undertaking before the respondent No.3 - Executive Engineer, by 02.11.2024 that they shall vacate the premises in their occupation peacefully on or before 01.12.2024, action for demolition of the houses of the appellants shall not be taken;
- ii) In case the appellants fail to file the aforesaid undertaking, the respondents shall be at liberty to

take an action against the appellants for their dispossession in accordance with law;

iii) In case the appellants submit an application seeking the benefit of the housing scheme framed by the State Government, such application shall be duly processed by the respondent No.4 – District Collector.

8. To the aforesaid extent, the order passed by the learned Single Judge in W.P.No.17432 of 2024 is modified. It is made clear that this Court has not expressed any opinion on the merits of the matter.

9. The appeal is accordingly disposed of.

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

**SD/-T.SRINIVAS
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Irrigation and Command Area Development, Secretariat, Hyderabad, State of Telangana.
2. The Superintending Engineer, Sri Ram Sagar Project (SRSP) Irrigation Circle, K.C. Colony, Warangal District.
3. The Executive Engineer, Irrigation No.1, Parkal, Hanumakonda District.
4. The District Collector, Warangal, Warangal District.
5. The Commissioner of Police, Warangal District. The Station House Officer, Enumamula Police Station, Warangal District.
6. The Station House Officer, Enumamula Police Station, Warangal District.
7. The Station House Officer, Hasanparthy Police Station, Warangal District.
8. One CC to SRI VEERA BABU GANDU, Advocate [OPUC]
9. Two CCs to GP FOR IRRIGATION AND COMMAND AREA DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
10. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
11. Two CCs to GP FOR HOME, High Court for the State of Telangana, at Hyderabad. [OUT]
12. Two CD Copies

PSK.

HIGH COURT

DATED:30/10/2024

JUDGMENT

WA.No.1247 of 2024



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

(17) Copies
Sm
30/10/24