

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

WEDNESDAY, THE NINETEENTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**WRIT APPEAL NO: 263 OF 2020**

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated.14/07/2020 WP.NO.10236/2020 and pass on the file of the High Court.

**Between:**

Maddela Anil Kumar, S/o Premanandam, aged about 40 yrs, R/o H.NO. 4-7-141,  
Mudami Street, PeddapallyTown,Peddapally/Karimnagar District

...APPELLANT

**AND**

1. The Peddapally Municipality, Rep by its The Commissioner, Peddapally Town,  
Peddapally/Karimnagar District
2. The Secretary, Rangampally Gram Panchayat Peddapally Mandal, Peddapally/  
Karimnagar District
3. The Commissioner and Director of Municipal Administration, Telangana,  
Hyderabad
4. The State of Telangana, Rep by its Principal Secretary, Municipal Administration,  
Secretariat, Hyderabad

...RESPONDENTS

**IA NO: 1 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st Respondent to take appropriate action against illegal construction in Sy.No.140 of Rangampally Village, Peddapally Mandal and District admeasuring Ac.08-37 gts in pursuance of Petitioner's Complaint dt.24-05-2019 in view of Sections 178(6) and 181 of the Telangana Municipalities Act, 2019, pending disposal of the Writ Appeal, in the Interest of Justice

**Counsel for the Appellant: SMT. BOKARO SAPNA REDDY**

**Counsel for Respondent No. 1: SRI N. PRAVEEN KUMAR**

**Counsel for Respondent No. 2: SRI G. NARENDER REDDY  
SC FOR TG ZPP-MPP-GPPS**

**Counsel for Respondent Nos. 3 & 4: GP FOR MUNICIPAL ADMINISTRATION &  
URBAN DEVELOPMENT**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

**WRIT APPEAL No. 263 OF 2020**

**JUDGMENT:** (Per the Hon'ble the Chief Justice Raghvendra Singh Chauhan)

The appellant has challenged the legality of order, dated 14.07.2020, passed by a learned Single Judge in Writ Petition No. 10236 of 2020, whereby the learned Single Judge has dismissed the writ petition.

Briefly, the facts of the case are that the appellant, writ petitioner, claims that he is one of the successors of one Mr. Maddela Paul, S/o. Nambaiah, who was the original pattader, owner and possessor of land falling within Sy.No. 140 of Rangampally Village, Peddapally Mandal and District, admeasuring Ac.8.37 guntas. According to the appellant, there was an oral partition amongst the family members. But the actual partition was never effected through court process. Furthermore, according to the appellant, the said land was kept partly vacant, while other parts were being cultivated. Therefore, the land continues to be agricultural land. However, in March/April, 2019, certain anti-social elements started interfering with the peaceful possession of the appellant. These persons appeared to be from Godavarikhani and Karimnagar areas. Therefore, the appellant submitted a complaint before the Commissioner, Peddapally Municipality, and the Secretary of the Rangampally Gram Panchayat for taking action against those anti-social elements, and to stop the construction being raised by them. Moreover, according to the appellant, since neither the Commissioner, nor the Secretary took any action against the anti-social elements, he filed an application

under Right to Information Act in order to find out as to what actions are being taken against the encroachers. However, even the RTI application has never been replied to. Thus, having no other option, the appellant filed the writ petition before the learned Single Judge. However, by the impugned order, dated 14.07.2020, the learned Single Judge has dismissed the writ petition *inter alia* on the ground that the representation submitted by the appellant is rather vague in its content. Hence, this writ appeal before this Court.

A bare perusal of the representation, dated 24.05.2019 clearly shows that an allegation has been made that certain persons have trespassed on the land belonging to the appellant. However, those unknown persons have not been named, nor a specific date for the alleged trespass has been spelt out in the representation. It is rather surprising that the appellant has approached the Commissioner of the Municipality and the Secretary of the Gram Panchayat, instead of approaching the Police immediately after the alleged trespass was committed on his land. Therefore, this Court has asked the learned counsel for the appellant the reason as to why the appellant did not approach the jurisdictional Police for registering an F.I.R. against those unknown persons? To this query, the learned counsel for the appellant submits that it is difficult to register an F.I.R. against unknown persons that too during the Covid-19 pandemic. However, the reason given by the learned counsel for the appellant is clearly untenable. For, an F.I.R. can be registered, under Section 154 of Code of Criminal Procedure, even against unknown persons as long as the allegations made in the F.I.R. clearly reveal

the commission of a cognizable offence. Trespass is, indeed, a cognizable offence, an F.I.R. can be registered against unknown persons. Once this position of law was pointed out to the learned counsel for the appellant, the learned counsel seeks time to take the necessary steps.

Therefore, for the reasons stated above, this writ appeal stands disposed of. No order as to costs.

Pending Miscellaneous Petitions, if any, stand closed.

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**SD/-K.SRINIVASA RAO**  
**DEPUTY REGISTRAR**

**SECTION OFFICER**

To,

1. One CC to Smt. Bokaro Sapna Reddy Advocate [OPUC]
2. Two CCs to GP for Municipal Administration & Urban Development, High Court for the State of Telangana (OUT)
3. One CC to Sri N. Praveen Kumar, Standing Counsel for Municipalities(OPUC)
4. One CC to Sri G. Narender Reddy, Standing Counsel for Gram Panchayats (OPUC)
5. Two CD Copies

MBC



**HIGH COURT**  
**DATED: 19/08/2020**



**JUDGMENT**  
**WA.No.263 of 2020**

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

⑦ VLW  
24/8/20