

ITEM NO.6

COURT NO.3

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MISCELLANEOUS APPLICATION Diary No(s). 50985/2024

[Arising out of impugned final judgment and order dated 01-10-2018 in C.A. No. 10128/2018 passed by the Supreme Court of India]

M/S PRIME PROPERTIES

Appellant(s)/
Applicant(s)

VERSUS

M/S BHAGYA NAGAR PLOT OWNERS WELFARE
ASSOCIATION & ORS.

Respondent(s)

[ONLY MA D.NO 27391/2026 IS LISTED UNDER THIS ITEM.]

WITH

Diary No(s). 27391/2026 (XII-A)

IA No. 155699/2026 - APPLICATION FOR PERMISSION

IA No. 150655/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 155536/2026 - CONDONATION OF DELAY IN FILING

IA No. 139786/2026 - INTERVENTION/IMPLEADMENT

Date : 25-06-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

(PARTIAL COURT WORKING DAYS BENCH)

For Parties(s) :

Mr. Pranav Sarthi, AOR

Mr. Tanishq Kashyap, Adv.

Dr. A.M. Singhvi, Sr. Adv.

Mr. Ranjit Kumar, Sr. adv.

Mr. D.S. Naidu, Sr. Adv.

Mr. Abid Ali B., Adv.

Mr. C. Purushotham, Adv.

Mr. S. Acharya, Adv.

Mr. Deepak Sharma, Adv.

Mr. Siddharth Seem, Adv.

Mr. Y. Raja Gopala Rao, AOR

Mr. S.B. Upadhyay, Sr. Adv.
Ms. Priyanjali Singh, AOR

Mr. Niraj Gupta, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Application (IA No. 155699/2026) seeking permission to file impleadment application is allowed.
2. Application (IA No. 139786/2026) seeking impleadment/ intervention is allowed.
3. Delay condoned.
4. Orders on *IA No. 150655/2026 in MA Diary No(s). 27391/2026*

This application is preferred seeking following prayers:

"a. direct the State of Telangana, represented by its Chief Secretary to Government, Director General of Police, Telangana State and their officials to strictly enforce the orders of *status quo* dated 01.10.2018 passed in Civil Appeal No.10128 of 2018.

b. pass such other order or direction as may be deem fit and

proper in the facts and circumstances of the case.”

5. Admittedly, four suits between the parties are pending consideration before the concerned Trial Court. However, while disposing of the Civil Appeal No. 10128/2018, this Court has directed that

....“ *status quo with regard to possession, as of today, shall continue until further orders made in these proceedings at the behest of any of the parties.*”....

6. Thereafter, on 19.08.2020, another order directing the parties to maintain the *status quo* was passed in the Contempt Petition in the said Civil Appeal No. 10128/2018. It is the assertion of the applicant/ petitioner that by Memo dated 18.03.2017, which is a report submitted by the Receiver in O.S. No.3306 of 1984, it is recorded that the applicant/ petitioner- M/s Prime Properties, have resumed their physical possession over the land in Survey No. 1007 of Kukatpally Village and Mandal, Medchal-Malkajgiri District, and have also filed a Memo on 13.04.2009 to this effect

before the Court under notice to the parties and the Receiver.

7. Despite the report of the Receiver, this Court has not recorded any finding on possession while passing the interim order. What this Court has done is that the parties have been directed to maintain *status quo* as to the possession and no third party interest will be created in the meanwhile.

8. Despite the above, it is vehemently argued by Dr. A. M. Singhvi, learned senior counsel appearing for the applicant/ petitioner- M/s Prime Properties, that third parties are trying to encroach upon a substantial portion of the property which, in a way amounts to creation of third party interest. He further submits that the applicant/ petitioner had earlier preferred a Writ Petition before the Telangana High Court bearing W.P. No. 3594/2023 in which, the High Court, by its order dated 19.09.2025, directed the Police Authorities to extend necessary assistance to the petitioner/applicant in the event of any unlawful interference, including by anti-

social elements in strict compliance with the *status quo* order dated 01.10.2018 passed by this Court in C.A. No. 10128/2018. The High Court also observed that in the event of any violation, the aggrieved party, whether petitioner or respondent(s), shall be entitled to approach competent forum, including this Court or the concerned Trial Court, for appropriate relief.

9. It is further contended that even after the order passed by the High Court, third parties are trying to encroach as is evident from the complaints submitted by the applicant/ petitioner before the State Authorities on 02.01.2024, 17.07.2025, 18.11.2025, 24.11.2025 and 13.04.2026, the applicant/petitioner is thus compelled to move this Court seeking police protection and such other orders which will preserve the property so that the party, who is successful in the Civil Suit No. 10128/2018, is able to get the subject property without any encroachment and free from encumbrances. Learned Senior counsel, Dr. A.M. Singhvi, appearing for the applicant-M/s Prime Properties, further

submits that erection of a boundary wall over the subject property would secure the interest of not only the applicant/petitioner but also the respondents because any successful party would be getting the property intact having boundary wall over the entire subject suit area.

10. Mr. S.B. Upadhyay, learned senior counsel appearing for the respondent(s) submits that the applicant/petitioner is not in physical possession of the subject property and therefore, erection of boundary wall may be treated as if the petitioner/applicant is in possession.

11. As already stated, while directing maintenance of *status quo*, this Court has not recorded the finding of possession in favour of any of the parties. If the applicant/petitioner is ready and willing to bear the expenses for the erection of the boundary wall over the subject property, the respondent(s) should not have any objections because in the event being successful in the suit, they will be getting the property with a boundary wall and without any interference of any third party.

12. Issue notice, returnable on 21st July, 2026.

13. Tag with Contempt Petition (C) No. 433/2020 in Civil Appeal No. 10128/2018.

14. In the meanwhile, the concerned Revenue Department of the State Government, shall demarcate the area where the boundary wall has to be erected within a week and immediately thereafter, the petitioner/applicant shall commence erection of boundary wall over the subject land/ property. In order that the petitioner/applicant is able to erect the boundary wall in a smooth and uninterrupted manner, some senior police officer be deputed by the concerned Superintendent of Police, who shall provide necessary police protection to the petitioner in the subject property so that this Court's order is complied in its true spirit. The petitioner shall bear the entire cost for erection/ construction of boundary wall.

15. It is made clear that erection of boundary wall by the applicant/ petitioner shall not create any additional equity in its favour and the suit shall be decided on

its own merits basing evidence adduced by the parties.

16. All contentions of the parties, both legal and factual, shall remain to be adjudicated in all pending proceedings.

17. Post the application on 21.07.2026.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)