

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

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

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

WRIT APPEAL NO: 1443 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order
Dated 02/12/2024 in W.P.No 29471 of 2023 on the file of the High Court.

Between:

Yadavelli Varija, S/o Srinivas, Aged about 54 years, Occ Housewife, R/o
Damaracherla Village and Mandal, Nalgonda District.

...APPELLANT/RESPONDENT No.6

AND

1. P.Padmanabha Reddy, S/o Venkata Rama Narimha Reddy, Aged about 65
years, Occ Doctor, R/o H.No.19-453, Reddy Colony, Miryalaguda, Nalgonda
District.

...RESPONDENT/ WRIT PETITIONER

2. The State of Telangana, Represented by its Principal Secretary, Revenue
Department, Hyderabad, T.S.
3. The Chief Commissioner of Land Administration Government of Telangana
State of Telangana, Nampally Station Road, Hyderabad-500 001
4. The District Collector, Nalgonda District, Collectorate Complex, Nalgonda
District, Telangana-508001
5. The Revenue Divisional Officer, Miryalaguda Division, Nalgonda District,
Telangana-508001.
6. The Tahsildar, O/o Mandal Revenue Office, At Damaracherla Mandal,
Nalgonda District, Telangana-508001.

...RESPONDENTS/RESPONDENTS

IA NO: 1 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 direct
revenue authorities to continue the name of the appellant in all revenue records in
respect of the land of the appellant land to an extent of Ac.1.00 gts in Sy.No.120
which is situated at Dhamaracherla Village and Mandal, Nalgonda District pending
disposal of the writ appeal.

Counsel for the Appellant: SRI RAPOLU BHASKAR
Counsel for the Respondent No.1: SRI B.MAYUR REDDY, SENIOR COUNSEL
FOR SRI SAINI ARAVIND
Counsel for the Respondent Nos.2 TO 6: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE

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.1443 of 2024

JUDGMENT: *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

This intra court appeal has been filed by the appellant invoking the provisions of Clause 15 of the Letters Patent aggrieved by the order dated 02.12.2024 passed by the learned Single Judge in W.P.No.29471 of 2023, whereunder the order passed by respondent No.4 dated 21.04.2022 was set aside and directed him to conduct fresh enquiry basing on the application submitted by the appellant and respondent No.1 and pass appropriate orders after issuing notice to all the interested persons, in accordance with law.

2. Heard Mr. Rapolu Bhaskar, learned counsel for the appellant, Mr.B.Mayur Reddy, learned Senior Counsel representing Mr. S. Aravind, learned counsel for respondent No.1 and Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue appearing for respondent Nos.2 to 6, on admission.

3. **Brief facts of the case:**

Respondent No.1 filed W.P.No.29471 of 2023 claiming that he is owner and possessor of the agricultural land to an extent of Ac.2.00 gts. in Sy.No.120 situated at Dhamaracherla Village and Mandal, Nalgonda District and the same was purchased through registered sale deed dated 21.09.1990 and the revenue authorities mutated his name in the revenue records and issued pattadar pass book and title deed in his favour. Subsequently, respondent No.1 sold an extent of Ac.0.27 gts. in Sy.No.120 to one Mr.Jadala Ramachandru and also executed registered gift deed to an extent of Ac.0.13 gts. in favour of his son dated 24.08.2021 and he is in possession of the left over land to an extent of Ac.1.00 gts. in Sy.No.120 and the appellant made an application through online on 16.09.2021 before the revenue authorities for issuance of e-pattadar pass book and at that stage, respondent No.1 came to know the order passed by respondent No.4 dated 21.04.2022. Questioning the above said order, respondent No.1 filed W.P.No.29471 of 2023 and learned Single Judge of this Court set aside the order dated 21.04.2022 permitting respondent No.1 and the appellant to submit appropriate application and on filing of such application, directed respondent No.4 to pass orders after

issuing notice to all the interested persons in accordance with law.

Thus, the appellant filed the present writ appeal.

4. **Submissions of learned counsel for the appellant:**

Learned counsel for the appellant submitted that respondent No.1 is not having any semblance of right, interest over the subject property and with an intention to grab the subject property approached this Court and filed W.P.No.29471 of 2023. He further submitted that respondent No.4 after following due procedure as contemplated under the Telangana Rights in Land and Pattadar Pass Books Act, 2020 passed the order dated 21.04.2022. He further submitted that when respondent No.1 was trying to interfere with the subject property, the appellant filed suit in O.S.No.33 of 2023 before the Principal Junior Civil Judge at Miryalguda, for perpetual injunction restraining respondent No.1 from interfering with the suit schedule property and when the said suit is pending, the revenue authorities are not having any right, jurisdiction to adjudicate the rights of the parties in respect of the very same subject property and under these circumstances, the learned Single Judge ought to have directed respondent No.1 to approach the competent Civil Court to establish his rights.

5. This Court considered the submissions made by the learned counsel for the appellant and perused the material available on record. Initially, the appellant filed W.P.No.29753 of 2021 against the revenue officials and sought direction for issuance of e-pattadar pass book in respect of the subject land. Learned Single Judge while disposing of the writ petition on 22.11.2021 directed the respondent authorities therein to pass necessary orders on the on-line application submitted by the appellant dated 16.09.2021 as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of the order duly putting all the interested parties on notice and taking in to consideration the objections, if any.

6. It is pertinent to mention that the pursuant to the said order, respondent No.4 without issuing any notice and opportunity to respondent No.1, passed order dated 21.04.2022. Admittedly, respondent No.1 is claiming rights over the subject property pursuant to the registered sale deed dated 21.09.1990. Admittedly, the nature of the suit filed by the appellant is only simple suit for perpetual injunction and not a title suit. Hence, the contention of the learned counsel for the appellant that when the civil suit is pending before the competent civil Court, the

revenue authorities are not having power to adjudicate the proceedings in respect of the very same subject property is not tenable under law, especially basing on the application submitted by the appellant and pursuant to the orders passed by the learned Single Judge in W.P.No.29753 of 2021 only, respondent No.4 passed order dated 21.04.2022. The core issue involved in the case on hand is that respondent No.4 without issuing any notice and opportunity to respondent No.1 passed order dated 21.04.2022 and the same is gross violation of the principles of natural justice. In that view of the matter, learned Single Judge rightly set aside the order dated 21.04.2022 passed by respondent No.4 and directed respondent No.4 to examine and conduct fresh enquiry on the applications of respondent No.1 and the appellant, after issuing notices to all the interested persons, pursuant to the principle laid down by the Full Bench judgment of this Court in **Chinnam Pandurangam vs. Mandal Revenue Officer, Serilingampally Mandal and others**¹.

7. For the foregoing reasons, this Court does not find any ground to differ with the view taken by the learned Single Judge. However, respondent No.4 is directed to dispose of the application

¹ AIR 2008 AP 15

submitted by the appellant as well as respondent No.1 after giving notice and opportunity to both of them including any other affected party, within a period of two months from the date of submission of such applications.

8. With the above said modification, the writ appeal is disposed of. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

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SD/- K. SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Revenue Department, Hyderabad, T.S, State of Telangana.
2. The Chief Commissioner of Land Administration Government of Telangana State of Telangana, Nampally Station Road, Hyderabad-500 001
3. The District Collector, Nalgonda District, Collectorate Complex, Nalgonda District, Telangana-508001
4. The Revenue Divisional Officer, Miryalaguda Division, Nalgonda District, Telangana-508001.
5. The Tahsildar, O/o Mandal Revenue Office, At Damarcharla Mandal, Nalgonda District, Telangana-508001.
6. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
7. One CC to SRI SAINI ARAVIND, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

PSK.
GJP

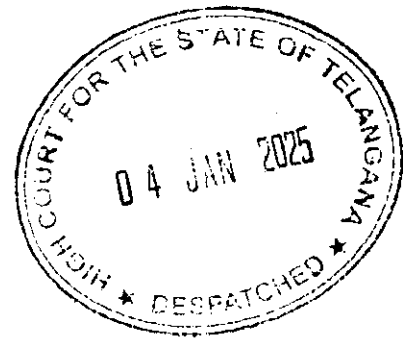
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HIGH COURT

DATED:31/12/2024

JUDGMENT

WA.No.1443 of 2024



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

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