

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN
WRIT PETITION NO: 8952 OF 2023**

Between:

Dyapa Krishna Reddy, S/o. Dyapa Narayana Reddy.

Petitioner

AND

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, BRK Bhavan, Hyderabad.
2. The District Collector, Nagarkurnool District, Collectorate Building, Nagarkurnool.
3. Revenue Divisional Officer, Kalwakurthy Division, Nagarkurnool District
4. Sub-Registrar, Kalwakurthy, Nagarkurnool District, 3-126, Subhashnagar, Kalwakurthy.
5. Tahsildar and Joint Sub-Registrar, Urkonda Mandal, Nagarkurnool District
6. Dyapa Nikhil Reddy, S/o. Bal Reddy Dyapa, Aged about 38 years, Occ: Business, R/o. 3-51, Madharam, Urkonda, Nagarkurnool
7. Mohd. Mujtaba, S/ o. Mohd. Hameeduddin, Aged about 55 years, Occ: Business, R/o. 3-51, Madharam, Urkonda, Nagarkurnool

Respondents

WHEREAS the Petitioner above named through his Advocate Sri MALLU NETHAN REDDY presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or an order or a direction, more particularly a writ in the nature of Mandamus by declaring the actions of the Respondent nos. 1 to 5 more particularly Respondent no. 5 in registering the document no. 758 of 2021 and mutating the name of Respondent no. 6 in the Revenue records with respect to land admeasuring Ac. Ac. 15-11 Gts in Survey Nos. 1/1AD, 1/2D, 2/EE/1, 382/EE/1, 386/EE/1, 387/EE/1, 389/EE/1, 459/EE/1, 460/EE/1, 461/EE/1, 462/EE/1, 463/EE/1, 465/1EE, 465/2EE/1, 466/1EE, 466/3AA1, 467/1D, 469/EE/1, 470/EE/1, 471/EE/1, 482/EE/1, 483/EE/1, 484/EE/1, 486/EE, 491/U/1, 492/U/1, 493/U/1, 494/U/1, 499/U/1, 500/U/1, 504/U situated in Madharam village, Urkonda Mandal, kalvakurthy Division, Nagarkurnool District as arbitrary, illegal and unconstitutional and consequently direct the Respondents to mutate the name of the Petitioner in revenue records by cancelling the E-Pattadar Passbooks issued in favour of Respondent no. 6;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri MALLU NETHAN REDDY, Advocate for the Petitioner and GP FOR REVENUE for the Respondent Nos.1 to 5, directed issue of notice to the Respondent Nos.6 &7 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. Dyapa Nikhil Reddy, S/o. Bal Reddy Dyapa, R/o. 3-51, Madharam, Urkonda, Nagarkurnool

2. Mohd. Mujtaba, S/o. Mohd. Hameeduddin, R/o. 3-51, Madharam, Urkonda, Nagarkurnool

are directed to show cause on or before 08.06.2023 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 2 OF 2023

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 Respondent no. 2 to consider the representation made by the Petitioner dated 20.03.2023, pending disposal of WP No. 8952 of 2023, on the file of the High Court.

IA NO: 1 OF 2023

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 operation of the sale deed bearing document no. 758 of 2021 and mutation proceedings issued by the Respondent no. 5 in favour of Respondent no. 6 with respect to land admeasuring Ac. 15-11 Gts in Survey Nos. 1/1AD, 1/2D, 2/EE/1, 382/EE/1, 386/EE/1, 387/EE/1, 389/EE/1, 459/EE/1, 460/EE/1, 461/EE/1, 462/EE/1, 463/EE/1, 465/IEE, 465/2EE/1, 466/IEE, 466/3AA1, 467/1D, 469/EE/1, 470/EE/1, 471/EE/1, 482/EE/1, 483/EE/1, 484/EE/1, 486/EE, 491/U/1, 492/U/1, 493/U/1, 494/U/1, 499/U/1, 500/U/1, 504/U situated in Madharam village, Urkonda Mandal, kalvakurthy Division, Nagarkurnool District, pending disposal of WP No. 8952 of 2023, on the file of the High Court.

**The Court made the following
ORDER:**

Learned Government Pleader for Revenue accepts notice on behalf of respondent Nos.1 to 5 and seeks time to file counter.

Notice to respondent Nos.6 and 7.

Personal notice is permitted.

List on 08-06-2023.

Petitioner is claiming that she is the absolute owner and possessor of schedule properties, which are specifically mentioned in writ petition. In proof of the same, she has filed copies of latest pattedar passbooks and title deeds. Respondent No.2 had issued latest pattedar passbook bearing Katha No.60418 in favour of respondent No.7 in respect of the very same property and on the strength of the same, respondent No.7 has sold the subject property in favour of respondent No.6 by way of executing a registered sale deed bearing document No.758 of 2021 dated 11-06-2021 illegally.

According to the petitioner, she never sold the subject property in favour of respondent No.6 and the entire transactions are illegal and without following due procedure laid down under ROR Act, 2020. She has also submitted online application bearing No.2300221173 dated 29-03-2023 with respondent No.2 with a request to cancel

the aforesaid sale deed in favour of respondent No.6. On the strength of the aforesaid sale deed, respondent No.6 is trying to obtain mutation proceedings and also E-pattadar passbooks in his favour and trying to create third party interest.

In view of the same, matter requires examination.

Therefore, respondent No.5 is directed not to entertain any document to be submitted by respondent Nos.6 and 7 in respect of the subject property and respondent No.2 shall consider the aforesaid online application bearing No.2300221173 dated 29-03-2023 submitted by the petitioner.

SD/- MOHD.ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, BRK Bhavan, State of Telangana, Hyderabad. ✓
2. The District Collector, Nagarkurnool District, Collectorate Building, Nagarkurnool.
3. Revenue Divisional Officer, Kalwakurthy Division, Nagarkurnool District
4. Sub-Registrar, Kalwakurthy, Nagarkurnool District, 3-126, Subhashnagar, Kalwakurthy:
5. Tahsildar and Joint Sub-Registrar, Urkonda Mandal, Nagarkurnool District(1 to 5 by RPAD) ✓
6. Dyapa Nikhil Reddy, S/o. Bal Reddy Dyapa, R/o. 3-51, Madharam, Urkonda, Nagarkurnool
7. Mohd. Mujtaba, S/ o. Mohd. Hameeduddin, R/ o. 3-51, Madharam, Urkonda, Nagarkurnool (6 & 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to Sri MALLU NETHAN REDDY, Advocate [OPUC]
9. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT] ✓
10. One spare copy

HIGH COURT

KL,J

DATED:03/04/2023

LIST ON 08.06.2023

NOTICE BEFORE ADMISSION

WP.No.8952 of 2023

DIRECTION

