

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

THURSDAY ,THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE P NAVEEN RAO

**IA No. 1 OF 2018
IN
WP NO: 9254 OF 2018**

Between:

1. Ch. Yadagiri, S/o Late Ch. Chinna Mallaiah,
 2. Smt. M. Nagamani, D/o Late Ch. Chinna Mallaiah,
 3. Smt. Ch. Lavanya, W/o Late Ch. Mahesh Kumar,
 4. Ch. Sai Kamal, S/o Late Ch. Mahesh Kumar,
 5. Ch. Swetha, D/o Late Ch. Mahesh Kumar,
 6. Smt. K. Naga Laxmi, W/o K. Swamy Goud D/o Late Ch. Chinna Mallaiah,
- ...Petitioners
(Petitioners in WP 9254 OF 2018
on the file of High Court)

AND

1. State of Telangana, Rep by its Principal Secretary, Revenue Department, Secretariat, Saifabad, Hyderabad. HYDERABAD
 2. The Appellate Authority under the Act VIII, of 1955, (Telangana Area)-Cum-Joint Collector, O/o. Jt. Collector, Medchal, Malkajgiri District at Kisara.
 3. The Special Grade Deputy Collector and Revenue Divisional Officer, O/o. R.D.O Malkajgiri Division, Ranga Reddy District
 4. A. Prasad, S/o A.C.Das, R/o H.No. 1-203, Vinayaka Nagar, Road No.2, Medchal Village and Mandal, Ranga Reddy District
 5. Smt A. Usha Rani, W/o A. Prasad, R/o H.No. 1-203, Vinayaka Nagar, Road No.2, Medchal Village and Mandal, Ranga Reddy District
 6. Smt Ch. Shankamma, W/o Late Ch. Chinna Mallaiah, R/o Medchal Village and Mandal, Ranga redy
 7. Ch. Shivudu, S/o Late Chinna Mallaiah, R/o Medchal Village and Mandal, Ranga Reddy District
 8. Ch. Narasimha, S/o Late Chinna Mallaiah, R/o Medchal Village and Mandal, Ranga Reddy District
 9. Ch. Nagesh, S/o Late Chinna Mallaiah, R/o Medchal Village and Mandal, Ranga Reddy District
- (R6 to R9 are not necessary to this petition)**

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioners : SRI M. RADHAKRISHNA
Counsel for the Respondents No. 1 to 3 : GP FOR REVENUE (TG)
Counsel for the Respondents No. 4 & 5 : SRI C.B.RAM MOHAM REDDY

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to suspend the operation of the orders passed by the 2nd Respondent in his proceedings in Case No. F1/854/2017, dated 21-10-2017, as otherwise we will be put to irreparable loss or pass, pending disposal of WP No. 9254 of 2018, on the file of the High Court.

The Court, while directing issue of notice to the Respondents herein to show cause as to why this petition should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

Contd.....2

ORDER

This writ petition is filed challenging the order of Joint Collector dated 21.10.2017. Appeal preferred against the decision of Revenue Divisional Officer is dismissed. The Revenue Divisional Officer held that claim of appellant No.8/1st party is not maintainable and that claim of appellants 1 to 10/1st party for grant of succession and ownership certificate under Section 38-E of Tenancy Act, 1950 deserves no consideration since the surrender of tenancy rights made by Ch.China Mallaiah holds good.

Learned counsel appearing for respondents 4 and 5 submits that petitioners are not in possession of subject land and respondents 4 and 5 are in possession and on subject land, there is grownup Mango garden and counsel submits that they will not be altering the physical features of land as it stands now.

Having regard to these submissions, respondents 4 and 5 are directed not to create any third party interest or alter the physical features of subject property pending disposal of the writ petition. However, they are entitled to reap benefits of Mango garden.

SD/- K. TATA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Saifabad, Hyderabad. HYDERABAD
- 2 The Appellate Authority under the Act VIII, of 1955, (Telangana Area)-Cum-Joint Collector, O/o. Jt. Collector, Medchal, Malkajgiri District at Kisara.
- 3 The Special Grade Deputy Collector and Revenue Divisional Officer, O/o. R.D.O Malkajgiri Division, Ranga Reddy District
- 4 A. Prasad, S/o A.C.Das, R/o H.No. 1-203, Vinayaka Nagar, Road No.2, Medchal Village and Mandal, Ranga Reddy District
- 5 Smt A. Usha Rani, W/o A. Prasad, R/o H.No. 1-203, Vinayaka Nagar, Road No.2, Medchal Village and Mandal, Ranga Reddy District. (1 to 5 by RPAD)
- 6 One CC to Sri M.Radhakrishna, Advocate (OPUC)
- 7 Two CCs to GP for Revenue, (TG), High Court at Hyd. (OUT)
- 8 One Spare Copy.

BJLB

HIGH COURT

PNR, J

DATED: 22-03-2018

ORDER

I.A. NO. 1 OF 2018

IN

WP NO. 9254 OF 2018

DIRECTION



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