

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

THURSDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

**:PRESENT:
THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR**

**IA.No.1 OF 2018 and IA.No.1 OF 2020
IN
WP NO: 9254 OF 2018**

IA No. 1 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
- (All are R/o Medchal Village and Mandal, R.R.Dist.)

...Petitioners

(Petitioner 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.
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, Aged about 53 years, Occ- Business, 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, Aged about 47 years, Occ- Business, 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, Aged about 76 years, Occ- Household. R/o Medchal Village and Mandal, Ranga reddy
7. Ch. Shivudu, S/o Late Chinna Mallaiah, Aged about 51 years, Occ- Agriculture, R/o Medchal Village and Mandal, Ranga Reddy District
8. Ch. Narasimha, S/o Late Chinna Mallaiah, Aged about 43 years, Occ- Agriculture, R/o Medchal Village and Mandal, Ranga Reddy District
9. Ch. Nagesh, S/o Late Chinna Mallaiah, Aged about 34 years, Occ- Agriculture, R/o Medchal Village and Mandal, Ranga Reddy District

...Respondents

(Respondents in-do-)

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 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, pending disposal of WP No.9254 of 2018, on the file of the High Court.

IA No. 1 OF 2020:

Between:

1. A. Prasad, S/o A.C.Das
2. Smt A. Usha Rani, W/o A. Prasad

**...Petitioners/
Respondents No.4 & 5**

AND

1. Ch. Yadagiri, S/o Late Ch. Chinna Mallaiah, aged about 50 years, Occ-Agriculture
 2. Smt. M. Nagamani, D/o Late Ch. Chinna Mallaiah, aged about 37 years, Occ-Household
 3. Smt. Ch. Lavanya, W/o Late Ch. Mahesh Kumar, aged about 50 years, Occ-Household
 4. Ch. Sai Kamal, S/o Late Ch. Mahesh Kumar, aged about 24 years, Occ-Student
 5. Ch. Swetha, D/o Late Ch. Mahesh Kumar, aged about 23 years, Occ- Student
 6. Smt. K. Naga Laxmi, W/o K. Swamy Goud, D/o late China Mallaiah, aged about 51 years, Occ- Household
- (Respondents 1 to 6 all are R/o Medchal Village and Mandal, R.R.Dist.)

**...Respondents/
Writ Petitioners**

7. State Of Telangana, Rep by its Principal Secretary, Revenue Department, Secretariat, Saifabad, Hyderabad.
8. The Appellate Authority under the Act VIII, of 1955, (Telangana Area)-Cum-Joint Collector, O/o. Jt.Collector, Medchal, Malkajgiri District at Kisara.
9. The Special Grade Deputy Collector and Revenue Divisional Officer, O/o. R.D.O Malkajgiri Division, Ranga Reddy District
10. Smt Ch. Shankaramma, W/o Late Ch. Chinna Mallaiah, Aged about 76 years, Occ- Household. R/o Medchal Village and Mandal, Ranga reddy
11. Ch. Shivudu, S/o Late Chinna Mallaiah, Aged about 51 years, Occ-Agriculture, R/o Medchal Village and Mandal, Ranga Reddy District
12. Ch. Narasimha, S/o Late Chinna Mallaiah, Aged about 43 years, Occ-Agriculture, R/o Medchal Village and Mandal, Ranga Reddy District
13. Ch. Nagesh, S/o Late Chinna Mallaiah, Aged about 34 years, Occ-Agriculture, R/o Medchal Village and Mandal, Ranga Reddy District

**...Respondents/
Respondents No.1 to 3 & 6 to 9**

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 vacate

the interim Order dated 22/03/2018 in I.A. No.1 of 2018 in W.P.No.9254 of 2018 pending disposal of WP No.9254 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 22.03.2018 made herein and upon hearing the arguments of M RADHAKRISHNA, Advocate for the Petitioners in IA.No.1 of 2018 and Respondent Nos.1 to 6 in IA.No.1 of 2020, GP FOR REVENUE, for the Respondent Nos.1 to 3 in IA.No.1 of 2018 and 7 to 9 in IA.No.1 of 2020 and Sri C B Ram Mohan Reddy, Advocate for Respondent Nos.4 & 5 in IA.No.1 of 2018 and Petitioners in IA.No.1 of 2020, the Court made the following;

ORDER

For the purpose of brevity, the parties in these two applications are referred as per their status in the main Writ Petition.

The writ petitioners herein had approached respondent No.3 seeking to grant of ownership certificate under Section 38-E of Telangana Tenancy and Agricultural Lands Act, 1950, and having failed to obtain the same, filed an appeal which was also dismissed.

This Court while admitting this Writ Petition passed an interim order on 22.03.2018 directing respondent Nos.4 and 5 not to create any third party interest or alter physical features of the subject property, pending disposal of the Writ Petition. The said order was passed basing upon the submission made by the learned counsel for respondent Nos.4 and 5 that they will not be altering the physical features of the subject land as it stands by then.

Respondent Nos.4 and 5 have filed I.A.No.1 of 2020 seeking vacation of the said interim order on the ground that they intend to make certain constructions on the subject land. Sri C. B. Ram Mohan Reddy, learned counsel for respondent Nos.4 and 5, submitted that the respondent Nos.4 and 5 will not claim any equities, in the event of they being unsuccessful in the Writ Petition.

This Court, having perused the material on record, noticed that the writ petitioners failed before the two authorities, where they had made a claim for issuance of ownership certificates, and approached

this Court. It is also an undisputed fact that the petitioners are unsuccessful in the suit filed by them for declaration of title.

In view of the same, the balance of convenience is more in favour of respondent Nos.4 and 5.

Accordingly, the interim order, dated 22.03.2018 is modified permitting the respondent Nos.4 and 5 to make constructions on the subject land. However, they are not entitled to claim equities in the event if the writ petitioners succeed in the Writ Petition.

Accordingly, I.A.No.1 of 2018 and I.A.No.1 of 2020 are disposed of.

Sd/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. M RADHAKRISHNA, Advocate [OPUC]
2. One CC to SRI C B RAM MOHAN REDDY, Advocate [OPUC]
3. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
4. One spare copy

HIGH COURT

MSK,J

DATED:10/08/2023

**LIST ON 06.11.2023
FOR FINAL HEARING**

ORDER

**IA.No.1 of 2018 & IA.No.1 of 2020
In
WP.No.9254 of 2018**

DIRECTION

