

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE FOURTEENTH DAY OF JULY TWO THOUSAND AND
TWENTY ONE

:PRESENT:
THE HONOURABLE SRI JUSTICE P NAVEEN RAO

IA No. 2 OF 2021
IN
WP NO: 15874 OF 2021

Between:

1. Smt. Maddela Hemalatha, W/o. M.S. Prabhakar
2. Smt. Bommak Himamala, W/o. Bommak Bommak Murali.

...Petitioners
(Petitioners in WP 15874 OF 2021
on the file of High Court)

AND

1. The State of Telangana, Rep. by its Principal Secretary to Government Revenue Department, Secretariat Buildings, Hyderabad, Telangana.
2. The Revenue Divisional Officer, and Sub-Divisional Magistrate, Bhongir Yadadri-Bhvanagiri District
3. The Tahsildar, Mootakondur Mandal Yadadri- Bhvanagiri District
4. The Village Revenue Officer, and Addl. Mandal Revenue Inspector Mootakondur Mandal Yadadri- Bhvanagiri District
5. Sri Kommareddy Venkatanarasimha Reddy, S/o. Late Venkatanarayana Reddy, Occ. Agriculture and Business R/o Mootakondur Village and Mandal Yadadri-Bhvanagiri District

...Respondents
(Respondents in-do-)

Counsel for the Petitioners : Sri P SHIV KUMAR

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

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 Order dated 05/09/2020 in Appeal No.D/1403/2016, passed by the 2nd Respondent during the pendency of the present writ petition, in the interest of Justice, pending disposal of WP No. 15874 of 2021, 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 application should not be complied with, made the following.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

It appears from the order of the Sub-Divisional Magistrate-cum-Revenue Divisional Office, impugned herein, that against the entries in the revenue records stated to have been made in the year 1998-99 and mutation exercise carried out long ago based on a registered sale deed dated 07.11.2009, an appeal was entertained in the year 2016 and the entries were set aside and matter is remanded to the Tahsildar for *de novo* enquiry. The Revenue Divisional Officer has jurisdiction to entertain and consider the appeal filed under Section 5 (5) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (the Act 26 of 1971), if such appeal was preferred within sixty (60) days from the date of communication of the mutation proceedings. As the appeal was of the year 2016, when entries were at least made in the year 2012, if not earlier, *prima facie*, it cannot be said that the appeal was preferred within the time stipulated under Section 5 (5) of the Act 26 of 1971. The order of the Revenue Divisional Officer,

impugned herein, is *prima facie* not sustainable. Balance of convenience in favour of the petitioners.

Hence, there shall be interim suspension as prayed for.

SD/- K. SHYLESI
Assistant Registrar

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Government Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad, Telangana.
2. The Revenue Divisional Officer, and Sub-Divisional Magistrate, Bhongir Yadadri- Bhvanagiri District
3. The Tahsildar, Mootakondur Mandal Yadadri- Bhvanagiri District
4. The Village Revenue Officer, and Addl. Mandal Revenue Inspector Mootakondur Mandal Yadadri- Bhvanagiri District
5. Sri Kommareddy Venkatanarasimha Reddy, S/o. Late Venkatanarayana Reddy Occ. Agriculture and Business R/o Mootakondur Village and Mandal Yadadri- Bhvanagiri District(1 to 5 By RPAD)
6. One CC to SRI P SHIV KUMAR Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
8. One spare copy

mvj

HIGH COURT

PNR,J

DATED:14/07/2021

ORDER

I.A.NO.2 OF 2021
IN
WP.No.15874 of 2021

INTERIM SUSPENSION

