

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

TUESDAY ,THE TWENTIETH DAY OF JANUARY

TWO THOUSAND AND TWENTY SIX

**:PRESENT:
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

WRIT PETITION NO: 3424 OF 2016

Between:

1. Pitchakuntla Hanumantha Rao, S/o. Ramaiah.
2. P. Mallesh, S/o. Ramaiah.
3. P. Devaiah, S/o. Ramaiah.
4. P. Jangaiah, S/o. Ramaiah.

Petitioners

AND

1. State of Telangana, represented by its Principal Secretary to Government, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Mahabubnagar District, Mahabubnagar, Telangana State.
3. The Revenue Divisional Officer, Mahabubnagar Division, Mahabubnagar, Mahabubnagar District, Telangana State
4. The Tahsildar, Kothuru Mandal, Kothuru, Mahabubnagar District, Telangana State.

Respondent

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 an order or direction more in the nature of mandamus declaring the action on the part of the respondent authorities in not issuing appropriate proceedings as requested by the petitioners certifying that the land to an extent of Ac. 5-27 gts., in new Sy. No. 144 of Thimmapur village of Kothuru Mandal, Mahabubnagar District as the patta land belonging to the petitioners herein and is an alienable land on consideration of the representation of the petitioners which has been pending with the Revenue Divisional Officer, Mahabubnagar as illegal and void and consequentially to direct the respondents to consider the representation of the petitioners and to pass appropriate orders immediately.

IA NO: 1 OF 2016 (Wp Mp. No. 4375 of 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to issue an interim direction directing the respondent No.3 Revenue Divisional Officer, Mahabubnagar Division, Mahabubnagar to issue the Certificate to the petitioners certifying that the land to an extent of Ac.5-27 gts., in new Sy.No.144 of Thimmapur Village of Kothuru Mandal, Mahabubnagar District belongs to the petitioners as an alienable land notwithstanding the pendency of the above writ petition, pending disposal of WP 3424 of 2016, 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 upon hearing the arguments of SRI P V MAHESH Advocate for the Petitioners, GP FOR REVENUE (TG) for the Respondents, the Court made the following.

ORDER

Matter pertains to year 2016.

On 14.09.2022, this Court passed the following order:

"No representation for counsel for the petitioner/s.

Post the Writ Petition on 10.10.2022 under the caption "For Dismissal".

The respondents are directed to file counter affidavit in the Writ Petition by then and if no counter affidavits are filed by that date, the matter would be disposed of basing on the material available on record."

A set of instructions dated 27.02.2016 are forwarded to the office of Government Pleader for Revenue. On perusal of instructions, it is observed that the entire set of instructions are nothing but a photocopy of the report dated 02.07.2012 (P2 at Page No.21). This is an uncalled-for instruction on behalf of Tahsildar. In spite of the order dated 14.09.2022, for filing of counter affidavit, there is no compliance. It has been three years that this Court directed to file counter affidavit and no counter is there on record. As a last opportunity, respondents are requested to file counter within a period of one week, on payment of costs (Writ Rule 12).

Writ Rule 12 of Writ Proceedings Rules, 1977, is as follows:

"12 (i) (a) Every Respondent in every Writ Petition intending to enter appearance and oppose any Writ Petition on which notice is issued by the High Court, shall enter appearance and file a Counter Affidavit in opposition as soon as may be and in any event one hundred and twenty days from the date of service of notice in the Writ Petition or the Service of Rule nisi on the said Respondent.

(b) Reply affidavits shall be filed unless otherwise ordered, within one month of receipt of copy of the Counter Affidavit.

(ii) No Counter affidavit filed beyond one hundred and twenty days from the date of service of notice on the opposite party or parties in the Writ Petition shall be received or be used at the hearing of the Writ Petition unless the Court grants leave to file counter affidavit beyond the stipulated period, subject to such terms as the Court may deem fit.

(iii) Affidavits in opposition and affidavits in reply thereto shall be filed in the Registry along with authenticated copies of documents on which the party relies duly stitched book-wise and indexed with continuous pagination, after service on the opposite party or parties. No such affidavit shall be entertained after the time extended in sub-rule (ii) without the leave of the Court."

Inspite of order dated 14.09.2022, no counter affidavit is forthcoming. This Court has no option but to levy costs on respondents of Rs.5,000/- to be paid to petitioners, the officer responsible to file counter shall pay the costs.

Post the matter on 27.01.2026.

SD/- REKHA RANI BALAGANI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary to Government, Revenue Department, State of Telangana, Secretariat, Hyderabad. (by SPAD)
2. The District Collector, Mahabubnagar District, Mahabubnagar, Telangana State. (by SPAD)
3. The Revenue Divisional Officer, Mahabubnagar Division, Mahabubnagar, Mahabubnagar District, Telangana State (by SPAD)
4. The Tahsildar, Kothuru Mandal, Kothuru, Mahabubnagar District, Telangana State. (by SPAD)
5. One CC to SRI. P V MAHESH Advocate [OPUC]
6. Two CCs to GP FOR REVENUE (TG), High Court at Hyderabad. [OUT]
7. One spare copy
SRT

HIGH COURT

JAKJ

DATED:20/01/2026

Post the matter on 27.01.2026

ORDER



WP.No.3424 of 2016

DIRECTION

