

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

THURSDAY, THE FIRST DAY OF MAY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:
THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 14058 OF 2025

Between:

1. K. Sudarshan Rao,, s/o. K. Kodanda Rama Rao.
2. K. Karthik, S/o. K. Sudarshan Rao.
3. Dannada Krishnaiah, S/o. D. Machaiah.
4. Dannada Narsimhulu, S/o. D. Machaiah.
5. Mangali Sathyamma, W/o. Mangal Narsimhulu.
6. Vasanthi, D/o. Mangali Narsimhulu.

Petitioners

AND

1. The State of Telangana, , rep. by its Principal Secretary to Government, Revenue Department, Secretariat, Hyderabad.
2. The District Collector,, Mahabubnagar.
3. The Revenue Divisional Officer,, Mahabubnagar Division, Mahabubnagar.
4. TheTahsildar,, Balanagar Mandal, Mahabubnagar District.
5. Wadde Jangaiah, , s/o. late Sanjaiah.
6. Wadde Chennaiah, , S/o. late Sanjaiah.
7. Wadde Anjaiah, , S/o. Wadde Pentaiah.
8. Wadde Ramulamma, , W/o. late Hanumaiah.
9. Wadde Venkataiah, , S/o. Wadde Pentaiah.
10. Wadde Narsimhulu, , S/o. Wadde Pentaiah.
11. Wadde Yadaiah., S/o. Wadde Hanumanthu.
12. Wadde Narsimhulu,, S/o. Wadde Hanumanthu.
13. Wadde Chinna Rayudu, S/o. Wadde Chennaiah.
14. Wadde Rangamma,, W/o. Wadde Narsimhulu.
15. Wadde Krishnaiah,, S/o. Wadde Narsimhulu.
16. Wadde Sekhar,, S/o. Wadde Ramaiah.
17. Wadde Naresh, , S/o. Wadde Ramaiah.
18. Wadde Srinivasulu,, S/o. Wadde Chandraiah.

(All are R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District.)

Respondents

WHEREAS the Petitioners above named through their Advocate SRI PALLE SRINIVASA 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, order or a direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in

entertaining an application filed by non-official respondents herein for grant of Section 38-A Certificate under provisions of Telangana Tenancy and Agricultural Lands Act, 1950 in respect of land in Survey No.5 admeasuring Ac.0.16 guntas and Sy.No.6 admeasuring Ac.9.22 guntas situated at Kethireddypally Village, Balanagar Mandal, Mahabubnagar District, though there are no tenants over the said land, as being illegal, arbitrary, unreasonable and without jurisdiction and also violative of Article 21 and 300-A of the Constitution of India and set aside the Tenancy Case No.K./553/2023 on the file of the RDO. Mahabubnagar and issue a consequential direction directing the respondents not to interfere with the rights of the petitioners over the land in Survey No.5 admeasuring Ac.0.16 guntas and Sy.No.6 admeasuring Ac.9.22 guntas situated at Kethireddypally Village, Balanagar Mandal, Mahabubnagar District;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri PALLE SRINIVASA REDDY, Advocate for the Petitioners and Asst. GP for Revenue for the Respondent Nos.1 to 4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary to Government, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector,, Mahabubnagar.
3. The Revenue Divisional Officer,, Mahabubnagar Division, Mahabubnagar. ✓
4. TheTahsildar,, Balanagar Mandal, Mahabubnagar District.
5. Wadde Jangaiah, , s/o. late Sanjaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District ✓
6. Wadde Chennaiah, , S/o. late Sanjaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
7. Wadde Anjaiah, , S/o. Wadde Pentaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
8. Wadde Ramulamma, , W/o. late Hanumaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
9. Wadde Venkataiah, , S/o. Wadde Pentaiah R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
10. Wadde Narsimhulu, , S/o. Wadde Pentaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
11. Wadde Yadaiah., S/o. Wadde Hanumanthu. R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
12. Wadde Narsimhulu,, S/o. Wadde Hanumanthu, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
13. Wadde Chinna Rayudu, S/o. Wadde Chennaiah. R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
14. Wadde Rangamma,, W/o. Wadde Narsimhulu, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
15. Wadde Krishnaiah,, S/o. Wadde Narsimhulu. R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
16. Wadde Sekhar,, S/o. Wadde Ramaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District ✓

17. Wadde Naresh, , S/o. Wadde Ramaiah, R/o. Kethireddypalli Village,
Balanagar Mandal, Mahabubnagar District ✓
18. Wadde Srinivasulu,, S/o. Wadde Chandraiah, R/o. Kethireddypalli Village, ✓
Balanagar Mandal, Mahabubnagar District.

are directed to show cause on or before 10-07-2025 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: 1 OF 2025

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 grant stay all further proceedings in Tenancy Case No.K/553/2023 on the file of Revenue Divisional Officer, Mahabubnagar, pending disposal of WP No. 14058 of 2025, on the file of the High Court. ✓

The Court made the following:

ORDER:

Notice before admission.

Learned Assistant Government Pleader for Revenue takes notice for respondent Nos.1 to 4 and seeks time to file counter affidavit.

Learned counsel for the petitioners is permitted to take out personal notice to respondent Nos.5 to 18 by Registered Post with Acknowledgment Due and file proof of service before the Registry by the next date of listing.

It is stated that Sri Wadde Pochaiah and Sri Wadde Sanjaiah were the tenants over the lands in Survey Nos.5, 6, 15, 16 and 17, situated at Kethireddypalli Village and late Sri Kondandarama Rao was the pattadar of the said lands. It is further stated that insofar as lands in Survey Nos.15, 16 and 17 are concerned, the tenants were granted ownership rights certificate under Section 38-E of the Tenancy and Agricultural Lands Act, 1950 (for short, 'the Act') by the revenue authorities with the consent of the land owner late Sri Kodandarama Rao and insofar as lands in Survey Nos.5 and 6 (for short, 'the subject land') are concerned, the protected tenants Sri Wadde Pochaiah and Sri Wadde Sanjaiah have submitted an application dated 12.05.1964 to the then Tahsildar, Shadnagar for surrender of their tenancy rights in favour of the original land owner and the Tahsildar after following the due procedure, accepted the surrender in writing and made an endorsement in the concerned record and also rounded of the names of the tenants in the Tenancy Certificate on 13.11.1964 and after conducting a panchanama, the possession was delivered in favour of the pattadar late Sri Kodandarama Rao on 26.11.1964. The grievance of the petitioners is that after 60 years of termination of tenancy rights, the unofficial respondents claiming to be the legal heirs of the original protected tenants, filed a petition under Section 38-A of the Act for grant of ownership rights certificate on the file of the 3rd respondent-Revenue Divisional Officer, Mahabubnagar Division and District vide Tenancy Case No.K/553/23.

Sri Giridhar Rao, learned Senior Counsel representing Sri Palle Srinivasa Reddy, learned counsel for the petitioners contended that after surrender of the subject lands by following the procedure as contemplated in law, the rights in favour of the original pattadar have been conferred and possession was delivered in favour of the original pattadar late Sri Kodandarama Rao on 26.11.1964. Learned Senior Counsel further contended that as on date, the petitioners as the pattadars are enjoying the subject lands and part of the lands have been disposed in favour of third parties by way of registered sale deeds. Learned Senior Counsel further contended that entertaining any petition under Section 38-A of the Act and questioning the surrender of PT rights is not permissible in law.

The issues raised herein are required to be examined after filing of the counter affidavits.

Pending adjudication of the said issues, there shall be interim stay of all further proceedings in Tenancy Case No.K/553/23 on the file of the 3rd respondent-Revenue Divisional Officer until further orders.

The petitioners are permitted to file a memo informing the order which is passed by this Court today to the 3rd respondent-Revenue Divisional Officer.

List on 10.07.2025.

Sd/- T.CHANDRA SEKHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to Government, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector,, Mahabubnagar.
3. The Revenue Divisional Officer,, Mahabubnagar Division, Mahabubnagar.
4. TheTahsildar,, Balanagar Mandal, Mahabubnagar District.
5. Wadde Jangaiah, , s/o. late Sanjaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
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17. Wadde Naresh, , S/o. Wadde Ramaiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District
18. Wadde Srinivasulu,, S/o. Wadde Chandraiah, R/o. Kethireddypalli Village, Balanagar Mandal, Mahabubnagar District. (1 to 18 by RPAD- along with a copy of petition and affidavit) ✓
19. One CC to SRI PALLE SRINIVASA REDDY Advocate [OPUC] ✓
20. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT] ✓
21. One spare copy

HIGH COURT

CVBR,J

DATED:01/05/2025

List on 10.07.2025

NOTICE BEFORE ADMISSION

WP.No.14058 of 2025

DIRECTION

