

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER TWO THOUSAND AND
TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY
WRIT PETITION NO: 16961 OF 2021

Between:

1. Kandukuri Rama Rao, S/o. Narayana,
2. Kandukuri Bhujanga Rao, S/o. Narayana,
3. Kandukuri Nagababu, S/o. Srinu,

Petitioners

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad
2. The District Collector, Bhadradi Kothagudem District, Kothagudem
3. The Tahsildar, Mulakalapalli Mandal, Bhadradi Kothagudem District
4. Smt. Savalam Muthamma, W/o. Gopi, Aged 48 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District
5. Smt. Savalam Rukmini, W/o. Nagulu, Aged 45 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District
6. Smt. Savalam Thulasamma, W/o. Veeraswamy, Aged 44 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District

Respondents

WHEREAS the Petitioners above named through their Advocate SRI PENUBALLI RAMESH BABU 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 Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent Tahsildar directing the petitioners not to cultivate the agricultural lands of the petitioners situated in Sy No. 439/2 Ac.1.3100, Sy No. 439/1 Ac.1.3200 gts, Sy No. 435/A/1 Ac.0.3400 gts and Sy No. 439/3 Ac.1.3200 gts and Sy No. 402 Ac.1.0500 gts situated at Jagannadhapuram Village, Mulakalapalli Mandal, Bhadradi Kothagudem District without valid any reasons basing on the Order dated 8/09/2020 passed by Sub Divisional Magistrate and Special Assistant Agent (Mobile Court) Bhadrachalam in IA No. 2460/2020 in OS No. 263 of 2020 filed by the unofficial respondents by showing the petitioners wrongly as defendants in the said suit in connection with the unofficial respondents lands which is not belongs to the petitioners illegally obtained the orders by the unofficial respondents in their respective lands situated in Sy No. 626/470/1/1, 626/470/1/2 and 626/470/1/3 total an extent of Ac.3.00 gts is not belongs to the petitioners and the survey number is not concerned to the petitioners, by directing the Tahsildar to the petitioners not to interfere into the petitioners lands is highly illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of Constitution of India by setting aside the by suspending the Order dated 08/09/2020 in IA No. 2460/2020 in OS No. 263/2020 passed by the Sub Divisional Magistrate and Special Assistant Agent (Mobile Court) Bhadrachalam and consequently direct the 3rd respondent Tahsildar not to interfere into the peaceful possession and enjoyment of the petitioners agricultural lands in the interest of justice;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri PENUBALLI RAMESH BABU Advocate for the Petitioners, 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, Revenue Department State of Telangana, Secretariat, Hyderabad
2. The District Collector, Bhadradi Kothagudem District, Kothagudem
3. The Tahsildar, Mulakalapalli Mandal, Bhadradi Kothagudem District
4. Smt. Savalam Muthamma, W/o. Gopi, Aged 48 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District
5. Smt. Savalam Rukmini, W/o. Nagulu, Aged 45 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District
6. Smt. Savalam Thulasamma, W/o. Veeraswamy, Aged 44 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District

are directed to show cause on or before 27/10/2021 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 2021:

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 direct the 3rd respondent Tahsildar not to interfere with the peaceful possession and enjoyment of the petitioners agricultural lands situated in Sy No. 439/2 Ac.1.3100, Sy No. 439/1 Ac.1.3200 gts, Sy No. 435/A/1 Ac.0.3400 gts and Sy No. 439/3 Ac.1.3200 gts and Sy No. 402 Ac.1.0500 gts situated at Jagannadhapuram Village, Mulakalapalli Mandal, Bhadradi Kothagudem District without following due process of law, pending disposal of the WP No. 16961 of 2021, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Learned counsel for the petitioners is directed to take out personal notice to respondent Nos.4 to 6 and file proof of service into Registry.

Post on 27.10.2021.

A perusal of the record reveals that vide order dated 08.09.2020, passed in I.A. No.246 of 2020 in O.S. No.263 of 2020, the Sub-Divisional Magistrate (Mobile Court), Bhadrachalam, has granted interim injunction orders against the writ petitioners herein in respect of the land in admeasuring Acs.3-00 guntas covered in survey Nos.626/470/1/1, 626/470/1/2 and 626/470/1/3 of Jagannadhapuram Village of Mulakalapalli Mandal of Bhadradi Kothagudem District, whereas in the present writ petition, the writ petitioners claim part of the lands in survey Nos.439, 435 and 402.

In view of the above, the respondents are directed not to interfere with the possession of the petitioners in respect of the subject lands, except in accordance with the procedure established by law.

**SD/- K. SHYLESHI
Assistant Registrar**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department State of Telangana, Secretariat, Hyderabad
2. The District Collector, Bhadradi Kothagudem District, Kothagudem
3. The Tahsildar, Mulakalapalli Mandal, Bhadradi Kothagudem District
4. Smt. Savalam Muthamma, W/o. Gopi, Aged 48 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District
5. Smt. Savalam Rukmini, W/o. Nagulu, Aged 45 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District
6. Smt. Savalam Thulasamma, W/o. Veeraswamy, Aged 44 years, Occ. Agriculture, R/o. Gandiprolu Village, Seethaigudem Panchayat Mulakalapalli Mandal, Bhadradi Kothagudem District (1 to 6 by RPAD along with a copy of petition and affidavit)
7. One CC to SRI. PENUBALLI RAMESH BABU Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
9. One spare copy

HIGH COURT

AARJ

DATED:14/09/2021

POST ON 27-10-2021

NOTICE BEFORE ADMISSION

WP.No.16961 OF 2021

DIRECTION



[Handwritten signature]