

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

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

**:PRESENT:
THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION NO: 17637 OF 2021

Between:

1. Vavilala Karthik Kumar Reddy, S/o. Vavilala Bal Reddy,
2. Vavilala Vanaja, W/o. Vavilala Venkat Reddy,
3. Vavilala Kalavathi, W/o. Gopal Reddy,
4. Vavilala Pulla Reddy, S/o. Kanna Reddy,

Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
2. The Special Tribunal, under T.S. Rights in Lands and Pattadar Passbooks Act, 2020 Rep. by its Members, Nagarkurnool District.
3. The Revenue Divisional Officer, Nagarkurnool Division, Nagarkurnool, Nagarkurnool District.
4. The Tahsildar, Thimmajipet Mandal, Nagarkurnool District.
5. Vavilala Mallareddy, S/o.Venkatreddy @ Venkaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.
6. Vavilala Srinivas Reddy, S/o. Ramaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.
7. Venkatnarayan Reddy, S/o. Ramaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.

Respondents

WHEREAS the petitioner above named through their Advocate Sri C.Hari Preeth, 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Certiorari, call for records pertaining to the Orders passed by the 2nd respondent Tribunal in Proceedings in Case No.ST/D1/156/2021, Dt.30.06.2021 and to quash the same as illegal, arbitrary, unconstitutional, against the principles of natural justice and contrary to the provisions of T.S. Lands in Rights in Pattadar Passbooks Act, 2021 (Telangana Act 9 of 2020);

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein, and upon hearing the arguments of Sri C.Hari Preeth, Advocate for the Petitioners, directed issue of notice to the Respondents herein returnable by 13-09-2021 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 Buildings, Hyderabad.
2. The Members, Special Tribunal, under T.S. Rights in Lands and Pattadar Passbooks Act, 2020, Nagarkurnool District.
3. The Revenue Divisional Officer, Nagarkurnool Division, Nagarkurnool, Nagarkurnool District.
4. The Tahsildar, Thimmajipet Mandal, Nagarkurnool District.
5. Vavilala Mallareddy, S/o.Venkatreddy @ Venkaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.
6. Vavilala Srinivas Reddy, S/o. Ramaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.

7. Venkatnarayan Reddy, S/o. Ramaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.

are directed to show cause on or before 13-09-2021 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 of CPC, praying that in the circumstances stated in the affidavit filed in the writ petition, the High Court may be pleased to suspend the operation of the Impugned Order of the 2nd Respondent passed in Case No.ST/D1/156/2021, Dt.30.06.2021, pending disposal of WP No. 17637 of 2021, on the file of the High Court.

The Court made the following: ORDER:

“Notice before admission returnable by 13.09.2021.

Sri M.Sudhir Kumar takes notice on behalf of respondents 5 to 7 and requests time for filing counter.

From the material on record, it appears that against entries made in the revenue records in the year 1978-79, an application was made before the Tahsildar on 21.05.2020 to correct the entries. Though the Tahsildar issued notice on 15.06.2020 to conduct enquiry, he did not conduct, but submitted a report to the Revenue Divisional Officer. The Revenue Divisional Officer treated the same as appeal, took up enquiry on his own and the matter pending before the Revenue Divisional Officer was transferred to the Special Tribunal, as if an appeal was preferred under Section 5 (5) of the Telangana Rights in Land and Pattadar Passbooks Act, 1971. Initially, the Special Tribunal rightly dismissed the appeal holding that it was not preferred in the prescribed proforma and that appeal was preferred after long time. On remand, the Special Tribunal took a different view and allowed the appeal.

Prima-facie, the decision of Special Tribunal is not valid in law. Hence, interim suspension of the order impugned to the extent of Ac.6.32 guntas in Sy.No.196 of Konduparthi Village, Thimmajipet Mandal, Nagarkurnool District.

Post on 13.09.2021.”

//TRUE COPY//

**SD/- B. SATYAVATHI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Members, Special Tribunal, under T.S. Rights in Lands and Pattadar Passbooks Act, 2020, Nagarkurnool District.
3. The Revenue Divisional Officer, Nagarkurnool Division, Nagarkurnool, Nagarkurnool District.
4. The Tahsildar, Thimmajipet Mandal, Nagarkurnool District.
5. Vavilala Mallareddy, S/o.Venkatreddy @ Venkaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.
6. Vavilala Srinivas Reddy, S/o. Ramaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District.

7. Venkatnarayan Reddy, S/o. Ramaiah, R/o. Koduparthi Village, Thimmajipet Mandal, Nagarkurnool District. (Addressees 1 to 7 BY RPAD along with a copy of petition and affidavit)
8. Two CCS to GP for Revenue, High Court of Telangana, at Hyderabad (OUT)
9. One CC to Sri C.Hari Preeth, Advocate (OPUC)
10. one Spare Copy

HIGH COURT

PNR,J

DATE: 06-08-2021

NOTE: POST ON 13-09-2021

NOTICE BEFORE ADMISSION

WP. NO. 17637 OF 2021

INTERIM SUSPENSION

