

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 25466 OF 2022

Between:

1. Kadari Ailaiah, S/o Late Kadari Balaiah.
2. Kadari Srisailam, S/o Late Maisaiah.
3. Kadari Venkataiah, S/o Mallaiah.
4. Kadari Narsimha, S/o Mallaiah.
5. Kadari Srinivas, S/o Balaiah.
6. Kadari Suresh, S/o Balaiah.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Joint Collector, Rangareddy District at Hyderabad.
3. The Tahsildar, Balapur Mandal, Balapur, Rangareddy District.
4. Kadari Mallesha, S/o. Balaiah, aged about 61 years, Occ. Business, R/o. 1-84, Venkatapur Village, Balapur Mandal, Rangareddy District.
5. Kadari Ganesh, S/o. Balaiah, aged about 38 years, Occ. Business, R/o. 1-84, Venkatapur Village, Balapur Mandal, Rangareddy District.
6. M/s. Snehitha Builders Pvt. Ltd, represented by Managing Director Sri.V.Narasimha Reddy, S/o Linga Reddy, registered office at H.No.3-2-870/3, VNR Complex, Station Road, Kachiguda, Hyderabad.

Respondents

WHEREAS the Petitioner above named through his Advocate SRI SANTOSH KUMAR TADAKA 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 of Certiorari or any other Writ and quash the proceedings of the 3rd respondent passed in File No. B/792/2019 dated 27-07-2019 and direct the respondents not to take any coercive action affecting the protected tenancy rights of the petitioners in respect of the land measuring Ac.348-35 Guntas in Sy.No.144 and 145 of Balapur Village and Mandal, Rangareddy District.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri SANTOSH KUMAR TADAKA Advocate for the Petitioner, GP FOR REVENUE who take notice for the respondent nos. 1 to 3, 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, The State of Telangana, Secretariat, Hyderabad.
2. The Joint Collector, Rangareddy District at Hyderabad.
3. The Tahsildar, Balapur Mandal, Balapur, Rangareddy District.
4. Kadari Mallesha, S/o. Balaiah, Occ. Business, R/o. 1-84, Venkatapur Village, Balapur Mandal, Rangareddy District.

5. Kadari Ganesh, S/o. Balaiah, Occ. Business, R/o. 1-84, Venkatapur Village, Balapur Mandal, Rangareddy District.
6. The Managing Director Sri.V.Narasimha Reddy, M/s. Snehitha Builders Pvt. Ltd, S/o Linga Reddy, registered office at H.No.3-2-870/3, VNR Complex, Station Road, Kachiguda, Hyderabad.

are directed to show cause 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: 2 OF 2022

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 operation of proceedings of 3rd respondent in File No. B/792/2019 dated 27-07-2019 accepting the surrender of Protected Tenancy rights by respondents No.4 and 5 in favour of respondent No.6, pending disposal of WP No. 25466 of 2022, on the file of the High Court.

The Court made the following:

ORDER

Notice before admission.

Learned Government Pleader for Revenue takes notice for respondents 1 to 3 and seeks time to get instructions in the matter.

Learned counsel for the petitioners is permitted to take out personal notice on respondents 4 to 6 by RPAD and file proof of service.

Post along with W.P.No.21417, 23968, 24014, 24010, 23992, 21454 and 21418 of 2019; C.R.P.Nos.6241 of 2018; C.R.P.Nos.72 and 1464 of 2019.

Under the impugned proceedings, dated 27.07.2019, the protected tenancy rights are shown to have been surrendered in favour of respondent No.6 – Company under Section 19 (1) of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, 'the Act, 1950'). The protected tenancy rights can be surrendered under Section 19 (1) of the Act, 1950 only in favour of the landholders. Surrendering of such rights under the Act, 1950 in favour of third parties is unheard off.

In view of the same, there shall be interim suspension as prayed for.

//TRUE COPY//

**SD/- G.SIREESHA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, The State of Telangana, Secretariat, Hyderabad.
2. The Joint Collector, Rangareddy District at Hyderabad.
3. The Tahsildar, Balapur Mandal, Balapur, Rangareddy District.

4. Kadari Mallesha, S/o. Balaiah, Occ. Business, R/o. 1-84, Venkatapur Village, Balapur Mandal, Rangareddy District.
5. Kadari Ganesh, S/o. Balaiah, Occ. Business, R/o. 1-84, Venkatapur Village, Balapur Mandal, Rangareddy District.
6. The Managing Director Sri.V.Narasimha Reddy, M/s. Snehitha Builders Pvt. Ltd, S/o Linga Reddy, registered office at H.No.3-2-870/3, VNR Complex, Station Road, Kachiguda, Hyderabad.
(RR 1 to 6 by RPAD- along with a copy of petition and affidavit)
7. One CC to SRI. SANTOSH KUMAR TADAKA Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
9. One spare copy

HIGH COURT

MSKJ

DATED:16/06/2022

NOTICE BEFORE ADMISSION

WP.No.25466 of 2022

INTERIM SUSPENSION

