

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

MONDAY, THE SIXTH DAY OF SEPTEMBER TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 20192 OF 2021

Between:

1. Rudraveni Padma, W/o. Bhumesb
2. Mothkuri Pavan Kumar, S/o. Gangadhar
3. Katukam Ravi, S/o. Nandaiah
4. Deekonda Shashidhar, S/o. Raja Narsaiah
5. Chennamaneni Katrhik Kumar, S/o. Prabhakar Rao

...Petitioners

AND

1. State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Jagtial, Jagtial District.
3. The Additional Collector, Jagtial, Jagtial District.
4. The Revenue Divisional Officer, Jagtial, Jagtial District.
5. The Tahsildar, Mallial Mandal, Jagtial District.
6. The Girdawar/Mandal Revenue Inspector, O/o Tahsildar, Mallial Mandal, Jagtial District.
7. The Village Revenue Officer, Nookapally village, Mallial Mandal, Jagtial District.
8. Regula Rajesham, S/o. Raja Narsaiah @ Narsaiah, aged 37 years, Occ: Agriculture, R/o. H.No.1-50, B.C Colony, Nookapally village, Mallial Mandal, Jagtial District.

...Respondents

WHEREAS the Petitioners above named through their Advocate M/s V. ROHITH 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 any appropriate writ order or direction more in the nature of writ of certiorari calling for the records relating to,

- (a) a letter vide No.B/290/2019 dated: 03-05-2019 of the Respondent No.4 i.e., Revenue Divisional Officer, Jagtial in exercise of powers conferred under Section 13 (2) of Telangana Rights in Land and Pattadar Pass Books Rules, 1989 (wrongly mentioned as U/s 13(2) of AP Land and PPB Act, 1971 as amended 1989 wherein he has authorised the Respondent No.5 i.e., Tahsildar, Mallial Mandal, to review the orders and to make changes in the ROR records illegally transferred lands in Sy.No.193/5 extent Ac 0-25 guntas, 202/1 Ac.1-11 guntas, 203/1 extent Ac 1-00 and Sy No.853/AA/1 extent Ac. 0-13½ guntas total extent Ac 3-09½ guntas situated at Nookapally village, Mallial Mandal, Jagtial District in the name of the petitioner in pursuance of the mutation orders as a result of denovo enquiry in the matter and to carry out the necessary changes by duly following the procedure stipulated thereon and

- (b) Consequential Proceedings No.B/291/2018 dated Nil-7-2019 Dt 12-7-2019 issued by the Respondent No.5 i.e., Tahsildar (FAC), Mallial Mandal granting succession in favour of the Respondent No. 8 herein in respect of the lands i.e., lands in Sy.No.193/5 extent Ac. 0-25 guntas, 202/1 Ac 1-11 guntas, 203/1 extent Ac 1-00 and Sy No.853/AA/1 extent Ac. 0-13½ guntas total extent Ac 3-09½ guntas situated at Nookapally village, Mallial Mandal, Jagtial District without any notice to the petitioner, and without affording any opportunity to substantiate her case

and quash the both the above mentioned proceedings by duly declaring the same as arbitrary, illegal, violative of principles of natural justice and also violation of Article 14 of Constitution of India apart from contrary to the procedure contemplated under the provisions of Telangana Rights in Land and Pattadar Pass Books Act, 1971 and Telangana Rights in Land and Pattadar Pass books Rules 1989 in the interest of justice and equity.

(Prayer is amended as per Court Order dated: 06/09/2021 in I.A.No.2 of 2021).

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s V. ROHITH 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, Jagtial, Jagtial District.
3. The Additional Collector, Jagtial, Jagtial District.
4. The Revenue Divisional Officer, Jagtial, Jagtial District.
5. The Tahsildar, Mallial Mandal, Jagtial District.
6. The Girdawar/Mandal Revenue Inspector, O/o Tahsildar, Mallial Mandal, Jagtial District.
7. The Village Revenue Officer, Nookapally village, Mallial Mandal, Jagtial District.
8. Regula Rajesham, S/o. Raja Narsaiah @ Narsaiah, Occ: Agriculture, R/o. H.No.1-50, B.C Colony, Nookapally village, Mallial Mandal, Jagtial District.

are directed to show cause on or before 25-10-2021 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 writ petition, the High Court may be pleased to suspend the Letter No.B/200/2019 dated: 03-05-2019 of the Revenue Divisional Officer, Jagtial and the Proceedings No.B/291/2018 dated: 12-07-2019 issued by the Respondent No.5 Tahsildar, Mallial Mandal granting succession, to the Respondent No.8 herein in respect of the lands in Sy.No.193/5 extent Ac. 0-25 guntas, 202/1 Ac. 1-11 guntas, 203/1 extent Ac.1-00 and Sy.No.853/AA/1 extent Ac. 0-13½ guntas total extent Ac. 3-09½ guntas situated at Nookapally village Mallial Mandal, Jagtial District, pending disposal of WP.No.20192 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 No.8 and file proof of service into Registry.

Post on 25.10.2021.

A perusal of the order, dated 26.12.2013, passed on the application made by petitioner No.1 and her brother, shows that the original patta land is only Acs.3.09 ½ guntas out of which an area of Acs.1.2475 has been mutated in the name of the petitioner No.1 herein.

A perusal of the order dated 03.05.2019 shows that the respondent No.4 Revenue Divisional Officer, without any verification, has directed the Tahsildar to review the orders made on the partial mutation that has taken place and pursuant to the same, the Tahsildar has issued the impugned proceedings, dated 12.07.2019 canceling the mutation already done in favour of the petitioner, even without putting the petitioner on notice.

Having regard to the same, there shall be an interim suspension, as prayed for.

SD/- N. CHANDRASEKHARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

Ch

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Jagtial, Jagtial District.
3. The Additional Collector, Jagtial, Jagtial District.
4. The Revenue Divisional Officer, Jagtial, Jagtial District.
5. The Tahsildar, Mallial Mandal, Jagtial District.
6. The Girdawar/Mandal Revenue Inspector, O/o Tahsildar, Mallial Mandal, Jagtial District.
7. The Village Revenue Officer, Nookapally village, Mallial Mandal, Jagtial District.
8. Regula Rajesham, S/o. Raja Narsaiah @ Narsaiah, Occ: Agriculture, R/o. H.No.1-50, B.C Colony, Nookapally village, Mallial Mandal, Jagtial District (RR 1 to 8 by RPAD along with a copy of petition and affidavit).
9. One CC to M/s. V. ROHITH, Advocate [OPUC].
10. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
11. One spare copy
ZEE

HIGH COURT

AARJ

DATED:06/09/2021

POST ON 25.10.2021

NOTICE BEFORE ADMISSION

WP.No.20192 of 2021

INTERIM SUSPENSION

