

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

CIVIL REVISION PETITION NO: 2394 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 30.04.2025 Passed in IA No. 86 of 2024 in O.S. No. 99 of 2024 on the file of the Court of the Sub Divisional Magistrate and Special Assistant Agent to Government, Mobile court at Bhadrachalam.

Between:

Madakam Bayamma, W/o. Pulla Rao, aged 50 years, Occ. Agriculture, Caste ST (Koya), R/o. Mutyalammmapadu Village Mulakalapally Mandal, Bhadradi Kothagudem District

...Petitioner/Plaintiff

AND

1. Shaik Moulali, S/o. Not known to the petitioner Aged 65 years, Occ. Business
2. Shaik Gous, S/o. Moulali Aged 48 years, Occ. Business
3. Shaik Haimadh, S/o. Moulali Aged 42 years, Occ. Business
4. Shaik Yaakub Pasha, S/o. Jaleel Aged 32 years, Occ. Business All are R/o. Jagannadha Puram Village Mulakalapally Mandal, Bhadradi Kothagudem District

...Respondents/Defendants

IA NO: 2 OF 2025

Petition under Section 151 of 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 the Order dated 30.04.2025 made in IA No. 86 of 2024 in O.S. No. 99 of 2024 passed by the Sub Divisional Magistrate & Special Assistant Agent to Government, Mobile court at Bhadrachalam, pending disposal of main CRP.

Counsel for the Petitioner : MS. DEVARA SAMHITHA representing
SRI PENUBALLI RAMESH BABU

Counsel for the Respondent Nos.1 to 3 : SMT. KATYAYANI representing
SRI M V HANUMANTHA RAO

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

CIVIL REVISION PETITION No.2394 OF 2025

ORDER:

This civil revision petition has been filed aggrieved by the order passed by the learned Sub Divisional Magistrate and Special Assistant Agent to Government, Mobile Court at Bhadrachalam ('trial Court' for brevity) wherein I.A.No.86 of 2024 in O.S.No.99 of 2024 dated 30.04.2025 filed by the petitioner for ad-interim injunction was dismissed.

2. Heard Ms. Devara Samhitha, learned counsel, representing Sri P.Ramesh Babu, learned counsel for the petitioner and Smt. Katyayani, learned counsel, representing Sri M.V.Hanumantha Rao, learned counsel for respondent Nos.1 to 3.

3. For the sake of convenience, the parties are hereinafter referred to as per their nomenclature in the trial Court.

4. Learned counsel for the petitioner/plaintiff submits that the plaintiff filed suit vide O.S.No.99 of 2024 for grant of perpetual injunction restraining the defendants from interfering with the physical possession of the land to an extent of Ac.2.32 guntas in

survey No.626 of 279 situated at Jagannadhapuram village of Mulakalapalli Mandal, Bhadradi Kothagudem District ('suit schedule property' for brevity). Along with the said suit, the plaintiff has filed an application in I.A.No.86 of 2024 for grant of ad interim injunction by invoking Rule 42(c) of Andhra Pradesh (Telangana State) Agency Rules, 1924 ('Rules' for brevity) and the said application was dismissed on 30.04.2025.

5. Learned counsel for the plaintiff vehemently contended that the trial Court without considering the documentary evidence on record simply relying on the report submitted by the Tahsildar dated 01.05.2025, dismissed the application, though the petitioner is in peaceful possession and enjoyment of the schedule property. Learned counsel further contended that the Court below has not given opportunity of filing objections to the report submitted by the Tahsildar and the said report was not marked as exhibit either in interlocutory application or in the suit. Hence, the impugned order passed by the trial Court is contrary to law.

6. In support of her contention, learned counsel relied upon the order passed by this Court in C.R.P.No.1777 of 2022 dated 05.12.2022.

7. *Per contra*, learned counsel appearing on behalf of defendants submits that the trial Court allowed I.A.No.130 of 2024 and directed the Tahsildar, Mulakalapalli Mandal to conduct survey, demarcation and inspection of the suit schedule property and submit report. Pursuant to the said order only, the Tahsildar submitted report dated 01.05.2025 and the order passed by the trial Court in I.A.No.130 of 2024 has become final. The petitioner has not questioned the above said order. Hence, the petitioner is not entitled to contend that the Tahsildar is not having any right or authority to submit report dated 01.05.2025. Admittedly, the petitioner is not in possession of the suit schedule property. The respondents/defendants are in possession of the schedule property. Hence, there are no grounds to interfere with the impugned order passed by the trial Court and the civil revision petition filed by the petitioner is liable to be dismissed.

8. Having considered the rival submissions made by respective parties and after perusal of the material available on record it reveals

that the respondent/defendants filed I.A.No.130 of 2024 for conducting survey and demarcation of the suit schedule property. The trial Court has allowed the said application and directed the Tahsildar, Mulakalapalli Mandal to conduct survey and submit report. Accordingly, the Tahsildar has submitted report on 01.05.2025. According to respondents they are cultivating the land in Survey No.626/241/P located in Jagannadhapuram Village, Mulakalapally Mandal. If the land in possession of the respondents/defendants is Government Land, the petitioner is not having any right in the subject property, whereas the petitioner is relying on the records i.e., Pattadar Pass books claiming that she is in possession of the suit schedule property.

9. The core contention of learned counsel for the petitioner is that the trial Court without giving opportunity much less the reasonable opportunity for filing objections to the report submitted by the Tahsildar, Mulakalapalli Mandal dated 01.05.2025 and without duly considering the documents filed by the petitioner came to a conclusion that the petitioner is not entitled for grant of temporary injunction and dismissed the said application. The trial court has not given any

clarification as to who is in possession of schedule property as on the date of institution of the suit and same is required for adjudication of the Rule 42(C) petition read with Order XXXIX Rule 1 and 2 of Code of Civil Procedure.

10. Taking into consideration the above said fact, this Court is of the considered view that the petitioner is entitled to file objections to the report submitted by the Tahsildar dated 01.05.2025. Accordingly, the impugned order passed by the trial Court dated 30.04.2025 is liable to be set aside. Accordingly set aside. The petitioner is granted liberty to file objections to the report of Tahsildar, Mulakalapalli Mandal, dated 01.05.2025 within a period of two weeks from the date of receipt of a copy of this order and on such objections being filed, the Tahsildar, Mulakalapalli Mandal shall consider the same and pass appropriate orders, in accordance with law, by duly taking into consideration the provisions of Rule 42(c) of Rules and also Order XXXIX Rule 1 and 2 of CPC.

11. With the above directions, the Civil Revision Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this civil revision
petition shall stand closed.

SD/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Sub Divisional Magistrate and Special Assistant Agent to Government,
Mobile court at Bhadrachalam
2. One CC to SRI PENUBALLI RAMESH BABU, Advocate [OPUC]
3. One CC to SRI M V HANUMANTHA RAO, Advocate [OPUC]
4. Two CD Copies

ADK/PSL



HIGH COURT

DATED:14/11/2025

ORDER

CRP.No.2394 of 2025



DISPOSING OF THE CRP

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ASU
19/11/25