

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

MONDAY, THE THIRTEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY ✓
AND
THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA ✓
WRIT PETITION NO: 33000 OF 2021

Between:

1. Smt. S.Hima, D/o. Sri. N.Hari Krishna Rao, W/o. Sri. S.Narendar Reddy
2. Smt. N.Rama, W/o. Sri. N.Hari Krishna Rao

...Petitioners ✓

AND

1. M/s. S.R Infra Developers, Rep by its Managing Partner Sri. Dongari Shankaraiah, S/o. Dongari Shankaraiah, Aged about 24 years, Occ: Business, R/o.H.No.1-138, Dupahad, Penpahad Mandal, Nalgonda District – 508201, T.S.
2. G. Jagan, S/o. Late. G.Ashaiah, Aged about 36 years, Occ: Service, R/o.H.No.MIG 970, BHEL, Ramachandrapuram, Hyderabad – 500032.
3. Smt. K. Lakshmi, D/o. Late. G.Anjaiah, Aged about 29 years, Occ: Housewife, R/o. Kandi Village, Medak District.
4. Smt. J.Jagadeshwari, D/o. Late. G.Ashaiah, Aged about 26 years, Occ: Housewife, R/o. Raju Colony, Balanagar, Hyderabad.
5. Sri. G. Chandra Mohan, S/o. Late. G. Ashaiah, Aged about 23 years, Occ: Student R/o. H.No.MIG 970, BHEL, Ramachandrapuram, Hyderabad.
6. Smt. G.Chandrakala, D/o. Late. G.Ashaiah Aged about 23 years, Occ: Student, R/o. H.No.MIG 970, BHEL, Ramachandrapuram, Hyderabad.
7. Smt. Manikonda Sayamma, W/o. Late. Manikonda Muttaiah, Aged about 68 years, Occ: Housewife, R/o.H.No.15-21/180, Balajinagar, Kukatpally, Hyderabad.
8. Smt. M.Bhoodevamma, W/o. Narsimha, D/o. Late. Manikonda Muttaiah Aged about 60 years, Occ: Housewife, R/o.H.No.12-6-1/124, Viveknagar, Kukatpally, Hyderabad.

...Respondents ✓

WHEREAS the Petitioners above named through their Advocate M/s SRINIVAS VELAGAPUDI 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 to declare the award dated 24/10/2014, passed in O.S.No.169 of 1984 by the Lok Adalat, Ranga Reddy District as fraudulent, void, inoperative and not binding on the Petitioners and in violation of the Petitioners' rights guaranteed under Article 300 A of Constitution of India, and consequently to set aside the same and Pass

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s SRINIVAS VELAGAPUDI 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. Sri. Dongari Shankaraiah, S/o. Dongari Shankaraiah Managing Partner, M/s. S.R Infra Developers, R/o.H.No.1-138, Dupahad, Penpahad Mandal, Nalgonda District – 508201, T.S.
2. G. Jagan, S/o. Late. G.Ashaiah, Occ: Service, R/o.H.No.MIG 970, BHEL, Ramachandrapuram, Hyderabad – 500032.
3. Smt. K. Lakshmi, D/o. Late. G.Anjaiah, Occ: Housewife, R/o. Kandi Village, Medak District.
4. Smt. J.Jagadeshwari, D/o. Late. G.Ashaiah, Occ: Housewife, R/o. Raju Colony, Balanagar, Hyderabad.
5. Sri. G. Chandra Mohan, S/o. Late. G. Ashaiah, Occ: Student R/o. H.No.MIG 970, BHEL, Ramachandrapuram, Hyderabad.
6. Smt. G.Chandrakala, D/o. Late. G.Ashaiah Occ: Student, R/o. H.No.MIG 970, BHEL, Ramachandrapuram, Hyderabad.
7. Smt. Manikonda Sayamma, W/o. Late. Manikonda Muttaiah, Occ: Housewife, R/o.H.No.15-21/180, Balajinagar, Kukatpally, Hyderabad.
8. Smt. M.Bhóodevamma, W/o. Narsimha, D/o. Late. Manikonda Muttaiah, Occ: Housewife, R/o.H.No.12-6-1/124, Viveknagar, Kukatpally, Hyderabad.

are directed to show cause on or before 17-01-2022 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 suspend the award dated: 24/10/2014 passed in O.S.No.169 of 1984 by The Lok Adalat, Ranga Reddy District, pending disposal of WP.No.33000 of 2021, on the file of the High Court. ✓

THE COURT MADE THE FOLLOWING ORDER:

Learned counsel for the petitioners submits that one Manikonda Muthaiah, father of respondent Nos.7 and 8 was the pattedar and owner of the land admeasuring Acs.4.05 gts in Sy.Nos.19 to 22 situated at Gachibowli Village, Serilingampally Mandal, Ranga Reddy. He divided the said land into house site plots in the year 1994. He sold plot No.30 admeasuring 260 sqy.ds to Smt.G.Sarojini Bai under registered sale deed dated 06.01.1994 vide document No.143 of 1994. The said Smt.Sarojini Bai inturn sold the southern portion of plot No.30 admeasuring 130 sq.yds out of 260 sq.yds to the 1st petitioner under registered sale deed dated 26.05.2008 vide document No.3904 of 2008 and also sold the balance extent of 130 sq.yds on the Northern side of the plot No.30 to the 2nd petitioner under registered sale deed dated 26.05.2008 vide document No.3905 of 2008; that the suit filed by the sister of Manikonda Muthaiah i.e., Manikonda Pochamma in O.S.No.169 of 1984 was dismissed on 31.08.1988. Aggrieved by the same, A.S. No.168 of 1988 was filed, which was ultimately ended in compromise and the matter was remanded to the lower court to record the terms of compromise and thereafter OS No.169 of 1984 was referred to Lok Adalat wherein impugned Award dated 24.10.2014 was passed, without making the petitioners as parties, even though the subject property was sold to the petitioners much prior to the compromise. He submits that the petitioners came to know about the compromise decree through Lok Adalath only when the first respondent, to whom the property was sold.

In view of above assertions, the matter requires consideration.

Petitioners have not been made parties to the earlier round of litigation, even though they have purchased the subject property through registered sale deeds from the original pattedar.

Issue notice to the respondents.

Personal service of notice is permitted.

List on 17.01.2022.

Meanwhile, there shall be an interim direction not to alienate the subject property till the next date of hearing.

SD/- I.NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri. Dongari Shankaraiah, S/o. Dongari Shankaraiah Managing Partner, M/s. S.R Infra Developers, R/o.H.No.1-138, Dupahad, Penpahad Mandal, Nalgonda District – 508201, T.S.
2. G. Jagan, S/o. Late. G.Ashaiah, Occ: Service, R/o.H.No.MIG 970, BHEL, Ramachandrapuram, Hyderabad – 500032.
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8. Smt. M.Bhoodevamma, W/o. Narsimha, D/o. Late. Manikonda Muttaiah, Occ: Housewife, R/o.H.No.12-6-1/124, Viveknagar, Kukatpally, Hyderabad (RR 1 to 8 by RPAD along with a copy of petition and affidavit).
9. One CC to M/s. SRINIVAS VELAGAPUDI, Advocate [OPUC].
10. Two spare copies
ZEE

HIGH COURT

ARRJ & CSLJ

DATED:13/12/2021

LIST ON 17.01.2022

NOTICE BEFORE ADMISSION

WP.No.33000 of 2021



INTERIM DIRECTION