

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

FRIDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND NINETEEN

:PRESENT:

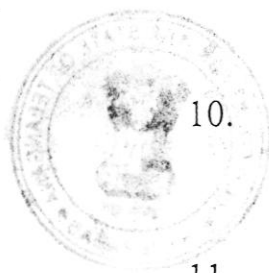
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO: 41834 OF 2015



BETWEEN:-

- 1.
1. A. KISTA REDDY S/o Potha Reddy,
Aged about 66 years, occ: Agriculture.
R/O Karatoiguda village, Mandal Bela,
District Adilabad.
2. BOTHKURI KALA BAI d/o Bothkuri Shivanna,
aged about 58 years, occ: Agriculture, r/o Village
Sundaragiri, Mandal Jainath, District Adilabad.
3. LAXMI w/o Bapanna, aged about 60 years,
occ: Agriculture, r/o Bhuktapur locality, Adilabad
Town, District Adilabad.
4. B. SANTENNA s/o Ganga Reddy, aged about 50 years,
Occ: Agriculture, r/o vidyanagar colony, Adilabad town,
District Adilabad.
5. B. SUDERSHAN REDDY s/o Potha Reddy,
Aged about 43 years, occ: Agriculture, r/o
Ramairampur village, Mandal & District Adilabad.
6. B. BAPANNA s/o Potha Reddy, aged about 55 years,
Occ: Agriculture, r/o Pipparwada village, Mandal Jainath,
District Adilabad.
7. B. LASMA REDDY s/o Potha Reddy, aged about
53 years, occ: Agriculture, r/o Karatoiguda village,
Mandal Bela, District Adilabad.
8. B. KISTA REDDY s/o Linga Reddy, aged about
38 years, occ: Agriculture, r/o Bandala Nagapur
Village, Mandal Thamsi, District Adilabad.
9. B. VENKATA REDDY s/o Linga Reddy, aged
About 44 years, occ: Agriculture, r/o Bandala Nagapur
Village, Mandal Tamsi, District Adilabad.



10. B. SURENDAR REDDY s/o Narsinga Reddy,
Aged about 43 years, occ: Ramairampur village,
Mandal & District Adilabad.
11. RAMCHANDER s/o Baji Rao, aged about 70 years,
Karatoiguda village, Mandal Bela, District Adilabad.
12. M. NARSINGH RAO s/o Bhumanna, aged about
80 years, occ: Agriculture, r/o Savapur village,
Mandal Jainath, District Adilabad.
13. M. RAMA RAO s/o Bhumanna, aged about 70 years,
Occ: Agriculture, r/o Kumbadhari village, Mandal
& District Adilabad.
14. M. NARSINGU s/o Ganganna, aged about 55 years,
Occ: Agriculture, r/o Savapur village,
Mandal Jainath, District Adilabad.
15. M. BHASKAR s/o Pedda Narsingu, aged about
80 years, occ: Agriculture, r/o Kapparla village,
Mandal Thamsi, District Adilabad.
16. M. NARAYANA s/o late Ganapathy, aged about
55 years, occ: Agriculture, r/o Vaterli Sangidi village,
Jainath Mandal, District Adilabad.
17. B. RAMULU s/o Narsimlu, aged about 65 years,
Occ: Agriculture, r/o Karagoiguda village, Mandal
Bela, District Adilabad.
18. LAXMI BAI w/o Rambhari, aged about 65 years,
Occ: Agriculture, Kumbadhari village, Mandal &
District Adilabad.
19. P. RAM REDDY s/o Narsimlu, aged about 60 years,
Occ: Agriculture, r/o Karagoiguda village, Mandal
Bela, District Adilabad.
20. P. RUKMA BAI w/o Nadipanna, aged about 70 years,
Occ: Agriculture, r/o Karagoiguda village, Mandal
Bela, District Adilabad.
21. P. BUCHIRI s/o Buchanna, aged about 75 years,
Occ: agriculture, r/o Karagoiguda village, Mandal
Bela, District Adilabad.
22. M. VENKATI s/o Ramulu, aged about 80 years,
Occ: Ramai village, Mandal & District Adilabad.

23. SARASANI LAXMI BAI w/o Venkata Reddy,
Aged about 40 years, occ: Agriculture, r/o Bhutapur
Locality, Adilabad town & District.
24. SARASANI VENKATA REDDY s/o Narsinga Rao.
Aged about 46 years, occ: Agriculture, r/o Bhutapur
Locality, Adilabad town & District.
25. LOKA GANGA REDDY s/o Narayana,
Aged about 70 years, occ: Agriculture, r/o
Ravindranagar colony, Adilabad town and
District.
26. G. BAPANNA s/o G. Narayana, aged about
60 years, occ: Agriculture, r/o Bhuktapur locality,
Adilabad Town & District.
27. MADHUKAR s/o China Chinnanna, aged
About 45 years, occ: Agriculture, r/o Bhuktapur locality,
Adilabad Town & District.
28. AVULA SUDERSHAN s/o China Chinnanna,
Aged about 50 years, occ: Agriculture, r/o Bhuktapur locality,
Adilabad Town & District.
29. AVULA SHIVANNA s/o China Chinnanna, aged
About 48 years, occ: Agriculture, r/o Karatoiguda village,
Mandal Bela, District Adilabad.
30. LAXMI BAI w/o M. Venkati, aged about 85 years,
occ: Agriculture, r/o Karatoiguda village,
Mandal Bela, District Adilabad.
31. D. SRINIVAS s/o D. Ramulu, aged about 50 years,
occ: Agriculture, r/o Karatoiguda village,
Mandal Bela, District Adilabad.
32. BORI VIJAYA w/o Bori Bhumanna, aged about
50 years, occ: Agriculture, r/o Karatoiguda village,
Mandal Bela, District Adilabad.
33. CHAWAN RAMDAS s/o Ganga Naik, aged about
50 years, occ: Agriculture, r/o Karatoiguda village,
Mandal Bela, District Adilabad.
34. RASAM SRIKANTH s/o Sathenna, aged about
36 years, occ: Agriculture, r/o Belgaon village,
Mandal Bela, District Adilabad.
35. SEDAM THANBA s/o Lachu, aged about 55 years,
occ: Agriculture, r/o Karatoiguda village,
Mandal Bela, District Adilabad.

36. K. POSHETTY s/o Rajanna, aged about 50 years,
Occ: Agriculture, r/o Bhuktapur locality, Mandal
& District Adilabad.

Petitioners

And

1. The State of Telangana, rep by its Principle Secretary to Govt. Tribal Welfare Department, Telangana Secretariat, Hyderabad.
2. The District Collector, Adilabad, District Adilabad.
3. The Land Acquisition Officer Cum Revenue Divisional Officer, Adilabad District.
4. The Project Officer, Integrated Tribal Development Agency, (ITDA) Utnoor, District Adilabad.
5. The Executive Engineer, Irrigation & Commandant Area M.I.P. Division, District Adilabad.
6. The Engineer in Chief, Irrigation & Commandant, Area Development Department, (I&CADD) Irrigation Department, State of Telangana, Erra Manzil colony, Khairtabad, Hyderabad.

Respondents

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 pass an order, or orders, direction or directions, or issue a writ, more particularly in the nature of Writ of Mandamus (i) Direct the State of Telangana to constitute the special courts in scheduled areas of State of Telangana, strictly following Chapter-VI of the Constitution of India and as well as the mandatory provisions of Advocates' Act 1961 for deciding civil litigation between the people of Scheduled areas; (ii) Declare the action of State Government in adopting the pre-constitutional agency rules 1924, without requisite amendments and adopting the methodology and procedure for resolving the civil disputes between the people of scheduled areas through the agency courts presided by unqualified incompetent officers is illegal arbitrary, violative of Article 14, 233, 233 (a), 234, 235, 236, 372, 375, 300-A, & 31-A of the Constitution of India; (iii) further direct the State of Telangana to extend the provisions of A.P. Civil Courts Act 1972 in scheduled areas of State of Telangana for deciding the civil disputes between the people of scheduled areas, till the Constitution of effective agency courts in scheduled areas according to prevailing laws, (iv) pass an order to decide the petitions filed by the petitioners herein under section 18 of the Land Acquisition Act in respect of the acquired land through Proceedings issued by the respondent no.2 vide No.B/422/92 dated 5-2-1996 through competent civil courts

WPMP.No.53962 of 2015

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 pass an order directing the

respondents herein to extend the provisions of A.P.Civil Court Act 1972 in Sheduled areas of State of Telangana, pending disposal of main WP.No.41834 of 2015, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.S.CHANDRASEKHAR Advocate for the Petitioners and GP for Tribal Welfare (TG) for Respondent No.1 and GP for Revenue (TG) for Respondents 2&3 and GP for Irrigation (TG) for Respondents 4 to 6, the Court made the following.

ORDER

Rule Nisi. Call for records.

Notice returnable in four (04) weeks.

Post on 21.06.2019.

Meanwhile, the respondents shall file their counter affidavits within a period of eight (08) weeks from today, failing which the District Collector, Adilabad District (2nd respondent) shall appear before the Court along with relevant records to make his submissions in his defence, since the matter pertains to the year 2015 and there is immense necessity to decide the same.

SD/- T.SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary to Govt. Tribal Welfare Department, State of Telangana, Telangana Secretariat, Hyderabad.
2. The District Collector, Adilabad, District Adilabad.
3. The Land Acquisition Officer, Cum Revenue Divisional Officer, Adilabad District.
4. The Project Officer, Integrated Tribal Development Agency, (ITDA) Utnoor, District Adilabad
5. The Executive Engineer, Irrigation & Commandant Area M.I.P. Division, District Adilabad.
6. The Engineer in Chief, Irrigation & Commandant, Area Development Department, (I&CADD) Irrigation Department, State of Telangana, Erra Manzi! colony, Khairtabad, Hyderabad. (RR-1 to 6 by RPAD)
7. One CC to SRI. S CHANDRASEKHAR Advocate [OPUC]
8. Two CCs to the GP for Revenue (TG), High Court at Hyderabad (OUT)
9. Two CCs to the GP for Tribal Welfare (TG), High Court at Hyderabad (OUT)
10. Two CCs to the GP for Irrigation (TG), High Court at Hyderabad (OUT)
11. One spare copy



HIGH COURT

TA,J

DATED; 26.4.2019

NOTE: POST ON 21.06.2019

WP.NO.41834 OF 2015

DIRECTION

