

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

: PRESENT:

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 31382 OF 2024

Between:

Basani Vikram Preetham Reddy, S/o Late Basani Bala Showri Reddy

Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Karimnagar district at Karimnagar
3. The Revenue Divisional Officer, Huzurabad division, Karimnagar district
4. The Joint Sub-Registrar-cum-Tahsildar, Jammikunta Mandal, Karimnagar District
5. Basani Mary, W/o Late Inna Reddy, Occ House wife, R/o. H.No5-11-231, Shanthi Nagar, Nalgonda, Nalgonda district

Respondents

WHEREAS the Petitioner above named through his Advocate Sri C Ruthwik Reddy 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 or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No 4 in issuing mutation dated 28-06-2024, Pattadar Pass Book and making entry in Dharani Portal in favour of the respondent No 5 in respect of the Agricultural land and admeasuring Ac.6-31 gts in Sy.No1148/B situated at Jammikunta Village and Mandal, Karimnagar district by way of succession without any notice, without valid document and without following mandatory procedure as bad, arbitrary, illegal, unconstitutional and violation of principles of natural justice and consequently direct the respondents No 2 to 4 to mutate the said land in the name of the petitioner by way of succession by cancelling the said mutation, Pattadar Pass Book issued in favour of the respondent No 5 in respect of the said land by considering petitioner representations;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri C Ruthwik Reddy Advocate for the Petitioner, 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, Karimnagar district at Karimnagar
3. The Revenue Divisional Officer, Huzurabad Division, Karimnagar District
4. The Joint Sub-Registrar-cum-Tahsildar, Jammikunta Mandal, Karimnagar District
5. Basani Mary, W/o Late Inna Reddy, Occ House wife, R/o. H.No5-11-231, Shanthi Nagar, Nalgonda, Nalgonda district

are directed to show cause on or before 09.12.2024 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 2024

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 stay of all further proceedings in pursuance of the mutation dated 28-06-2024, Pattadar Pass Book and entry in Dharani Portal issued in favour of the respondent No 5 in respect of the land admeasuring Ac.6-31 gts in Sy.No1148/B situated at jammikunta Village and Mandal, Karimnagar District, pending disposal of WP No. 31382 of 2024, on the file of the High Court.

**The Court made the following
ORDER:**

Notice before admission.

Learned Assistant Government Pleader for Revenue takes notice for respondent Nos.1 to 4 and seeks time to file counter-affidavit.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.5 by Registered Post with Acknowledgment Due and file proof of service before the Registry by the next date of listing.

It is stated that the father of the petitioner by name Basani Bala Showri Reddy is the owner and possessor of the agriculture land admeasuring Ac.6.31 guntas in Sy.No.1148/B situated at Jammikunta Village and Mandal, Karimnagar District, having purchased the same through registered sale deed bearing document No.4154 of 2005, dated 06.10.2005. It is further stated that respondent No.5, who is not having any right over the subject property, claiming to be the successor-in-interest of the petitioner's father has obtained the Family Member Certificate No.APESD AC 41609610, dated 04.07.2024.

A careful reading of the Family Members Certificate would reveal that the said Certificate was issued as per G.O.Ms.No.237, Revenue (Ser.II) Department, dated 30.06.2015. In the said G.O. it is made clear by the Government that the family member certificate is not a legal heir certificate or succession certificate to claim any properties relying upon the family member certificate issued by the Tahsildar. The grievance of the petitioner is that relying upon the family member certificate the respondent No.4 is conducting succession enquiry in the absence of an application as required under Section 6 of the Telangana Rights in Land and Pattadar Passbooks Act,

2020, to mutate the subject property in the name of respondent No.5 and the procedure adopted by respondent No.4 *prima facie* appears to be not in accordance with law. The said issues are required to be examined in detail after filing of the counter-affidavit.

Pending adjudication of the said issues, there shall be interim direction to both the parties to maintain *status quo* obtaining as on today in all respect over the subject property i.e., land admeasuring Ac.6.31 guntas in Sy.No.1148/B situated at Jammikunta Village and Mandal, Karimnagar District.

List on 09.12.2024.

SD/-N.CHANDRA SHEKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Karimnagar district at Karimnagar
3. The Revenue Divisional Officer, Huzurabad Division, Karimnagar District
4. The Joint Sub-Registrar-cum-Tahsildar, Jammikunta Mandal, Karimnagar District
5. Basani Mary, W/o Late Inna Reddy, Occ House wife, R/o. H.No5-11-231, Shanthi Nagar, Nalgonda, Nalgonda district
(Addressees 1 to 5 by RPAD along with a copy of petition and affidavit)
6. One CC to Sri C Ruthwik Reddy Advocate [OPUC]
7. Two CC to GP for Revenue, High Court at Hyderabad. [OUT]
8. One spare copy



HIGH COURT

CVBRJ

DATED:11/11/2024

NOTE: LIST ON 09.12.2024

NOTICE BEFORE ADMISSION

WP.No.31382 of 2024

DIRECTION

