

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE NINETEENTH DAY OF NOVEMBER TWO THOUSAND AND
TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY
WRIT PETITION NO: 32258 OF 2024

Between:

1. Dyapa Krishna Reddy, S/o. Late Dyapa Narayana Reddy
2. Dyapa Geetha, W/o. Dyapa Arjun Reddy
3. Sambireddy Savithri, W/o. Late Dyapa Mohan Reddy
4. Kannaiahgari Venkatesh, S/o. Komraiah

Petitioners

AND

1. The State of Telangana, Revenue Department, Represented by its Principal Secretary, BRK Bhavan, Hyderabad
2. The District Collector, Nagarkurnool District, Collectorate Building, Nagarkurnool
3. Revenue Divisional Officer,, Kalwakurthy Division, Nagarkurnool District
4. Sub-Registrar, Kalwakurthy, Nagarkurnool District 3-126, Subhashnagar, Kalwakurthy
5. Tahsildar and Joint Sub-Registrar, Urkonda Mandal, Nagarkurnool District
6. Dyapa Nikhil Reddy, S/o. Bal Reddy Dyapa Aged about 39 years, Occ. Business R/o. 3051, Madharam, Urkonda, Nagarkurnool
7. Bandari Manishankar, S/o. Bandari Sriramulu Aged about 39 years, Occupation. Business R/o. 3-51, Madharam village, Urkonda, Nagarkurnool District
8. Mohd. Mujtaba, S/o. Mohd. Hameeduddin Aged about 56 years, Occ. Business R/o. 3-51, Madharam, Urkonda, Nagarkurnool District
9. Raghupathi Naidu, S/o. G. Kashanna Alias Gopal Aged about 53 years, Occpation. Business, R/o. 3051, Madharam village, Urkonda, Nagarkurnool District
10. Dyapa Bal Reddy, S/o. Late Dyapa Narayana Reddy Aged about 74 years, Occ. Business, R/o. 3-51, Madharam Village, Urkonda Mandal, Nagarkurnool District
11. P. Uday Kumar, IAS, Age unknown Occ IAS (FAC) Director for Cooperation and Registrar of Coop. Societies Government of Telangana (Erstwhile District Collector, Nagarkurnool District) Current office at Telangana State Co-operative Apex Bank Ltd., #4-1441, Bank Street, Troop Bazar, Abids, Hyderabad - 500 001
12. Chenna Kistaiah, Occ Tahsildar and Joint Sub-Registrar Amrabad Mandal, Nagarkurnool District (Erstwhile Tahsildar and Joint Sub-Registrar Urkonda Mandal, Nagarkurnool District)

Respondents

WHEREAS the Petitioners above named through their Advocate SRI M PRANAV 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 an order or a direction, more particularly a writ in the nature of Mandamus. i) Declaring the actions of the Respondent Nos. 1 to 5 more particularly Respondent No.2 in rejecting the applications dated 12.08.2024 made by Petitioners and by not fully restoring the Petitioners names into the revenue records with respect to the Subject Property Lands situated in Madharam village, Urkonda Mandal, Kalwakurthy Division, Nagarkurnool District thereby leaving out certain extents still in the names of Respondent No. 6 and 10 without any reason whatsoever as illegal, arbitrary and unconstitutional and consequently. ii) Direct the Respondent No. 2 to delete the names of Respondent No. 6 and 10 by restoring/entering the names of the Petitioners as the owners and pattadars in the revenue records including on the Dharani Portal with respect to the entire Subject Property Lands thereby further not changing the revenue records unless the Petitioners specifically request for the same. iii) Direct the Respondent No. 1 to 5, 11 and 12 to pay compensation of INR. Fifty Lakhs Only (Rs. 50,00,000/-) to the Petitioners for the huge losses that the Petitioners have suffered due to the illegal actions of the Respondent Nos. 1 to 5, 11 and 12 and more specifically Respondent No. 11 and 12;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri M PRANAV Advocate for the Petitioners and AGP for Revenue, who takes notice on behalf of respondents 1 to 5 and Sri P Raja Sripathi Rao, Senior Counsel representing Sri K Karuna Sagar, Advocate, who takes notice on behalf of respondents 6 & 10 and Sri Amaragani Malsoor, Advocate, who takes notice on behalf of respondent 7, 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 BRK Bhavan, Hyderabad
2. The District Collector, Nagarkurnool District, Collectorate Building, Nagarkurnool
3. The Revenue Divisional Officer,, Kalwakurthy Division, Nagarkurnool District
4. The Sub-Registrar, Kalwakurthy, Nagarkurnool District 3-126, Subhashnagar, Kalwakurthy
5. The Tahsildar and Joint Sub-Registrar, Urkonda Mandal, Nagarkurnool District
6. Dyapa Nikhil Reddy, S/o. Bal Reddy Dyapa Aged about 39 years, Occ. Business R/o. 3051, Madharam, Urkonda, Nagarkurnool
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12. Chenna Kistaiah, Occ Tahsildar and Joint Sub-Registrar Amrabad Mandal, Nagarkurnool District (Erstwhile Tahsildar and Joint Sub-Registrar Urkonda Mandal, Nagarkurnool District)

are directed to show cause on or before 17/12/2024 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 direct the Respondent No. 2 to delete the name of Respondent No. 6 and 10 by restoring/ entering the names of the Petitioners as owner and pattadar in the revenue records and Dharani Portal with respect to the entire Subject Property Lands, pending disposal of WP No. 32258 of 2024, on the file of the High Court.

IA NO: 2 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 direct the Respondent No. 6 and 10 to not alienate or create third party rights or interest on Petitioners' land admeasuring Ac. 16 - 32.04 Gts which have been illegally and without authority gifted by Respondent No. 6 to Respondent No. 10 vide document bearing no. 89 of 2024 solely by taking advantage of Respondent No.2's illegal mutations in the name of Respondent No. 6, pending disposal of WP No. 32258 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 on behalf of respondent Nos.1 to 5 and seeks time to file counter affidavit.

Sri K. Karuna Sagar, learned counsel takes notice on behalf of respondent Nos.6 and 10.

Sri Amaragani Malsoor, learned counsel takes notice on behalf of respondent No.7.

Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.8, 9, 11 and 12 through 'RPAD' and file proof of service in the Registry by the next date of hearing.

It is stated that the petitioners are the owners and possessors of agricultural land admeasuring Acs.15-11 guntas forming part of various survey numbers situated at Madharam Village, Urkonda Mandal, Kalwakurthy Division, Nagarkurnool District. It is the case of the petitioners that when respondent Nos.6 to 12 have mutated their names in the revenue records by creating false documents, they have submitted a representation seeking to cancel the said pattadar passbooks issued in favour of respondent Nos.6 to 12 under the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 2020 (for short "the ROR Act, 2020").

Sri Avinash Desai, learned Senior Counsel representing Sri M.Pranav, learned counsel appearing for the petitioners vehemently contended that acting on the representation submitted by the petitioners, an enquiry has been conducted by respondent No.11-District Collector and partially changed the nature of the land and cancelled the entries made in the revenue records and for consequential issuance of passbooks under the provisions of the ROR Act, 2020. It is further submitted that suppressing the said fact, when respondent Nos.6 to 10 have submitted a representation on the very same subject property, which has been cancelled earlier by respondent No.11, once again mutated the names of respondent Nos.6 to 10, without issuing any notice and without following the due procedure. Learned Senior Counsel placed reliance upon the judgment of this Court in *Chinnam Pandurangam v. Mandal Revenue Officer, Serilingampally Mandal & others*¹ and contended that without issuing notice to the persons interested, respondent No.11 is not having any power or authority to alter/modify/correct/delete the entries in the revenue records.

Sri P. Raja Sripathi Rao, learned Senior Counsel representing the learned counsel appearing for respondent Nos.6 and 10, vehemently contended that after issuance of pattadar passbooks in favour of the petitioners, the nature of the lands has been converted from agriculture to non-agriculture purpose. Therefore, subsequently, the very same authority exercising the powers under the provisions of the Telangana Agricultural Land (Conversion for Non-agricultural purposes) Act, 2006, has allowed conversion of the lands from agriculture to non-agriculture purpose, since the provisions of the Telangana Rights in Land and Pattadar Passsbooks Act, 1971 or the ROR Act, 2020 are not applicable to the agricultural lands for issuance of conversion permission by respondent No.11, it does not amounts to fraud. These issues are required to be examined after filing of the counter-affidavit and after considering the records.

Pending filing of the counter affidavit by the learned Assistant Government Pleader for Revenue and the contesting respondents, both the

¹ AIR 2008 AP 15

parties are directed to maintain *status quo* in respect of the subject lands in all respects including the change of nature of the lands and classification or alienation over the subject lands, existing as on date.

List on 17.12.2024.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana BRK Bhavan, Hyderabad
2. The District Collector, Nagarkurnool District, Collectorate Building, Nagarkurnool
3. The Revenue Divisional Officer,, Kalwakurthy Division, Nagarkurnool District
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13. One CC to SRI. M PRANAV Advocate [OPUC]
14. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
15. One spare copy

HIGH COURT

CVBRJ

DATED:19/11/2024

POST ON 17.12.2024

NOTICE BEFORE ADMISSION

WP.No.32258 of 2024

STATUS QUO

