

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

WEDNESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 46085 OF 2022

Between:

S. Dharmavardhan Rao, S/o. Late Gopal Rao, Aged about 67 years, Occ. Retd. Service and Agriculture, R/o. Peddamudunur village, Nagarkurnool Mandal, Nagarkurnool District.

...Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Collector, Nagarkurnool District, Nagarkurnool.
3. The Revenue Divisional Officer, Nagarkurnool Division, Nagarkurnool District.
4. The Tahsildar, Nagarkurnool Mandal, Nagarkurnool District.
5. S. Harshavardhan Rao, S/o. Late Gopal Rao, Aged about 60 years, Occ: Legal Practitioner, R/o. Peddamudunoor village, Nagarkurnool Mandal, Nagarkurnool District.

...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 issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 4th respondents in issuing the impugned slot booking and advisory proceeding dated 23-12-2022 in ordering to enter the name of the 5th respondent as pattadar in respect of the land in Sy. No. 339, admeasuring Ac.19-00 at Peddamudunur village, Nagarkurnool Mandal and District without issuing any notice and opportunity to the petitioner and contrary to the orders passed by the Special Tribunal in case No. ST/D1/36/2021 (revision No.D1/1099/2019), dated 30-06-2021, as illegal, unlawful, contrary to law and consequently direct the 2nd and 4th respondents to continue the Dharani passbook of the petitioner vide Khata No. 1197 and continue to pay the Rythu Bandhu amount in respect of the above land;

IA NO: 1 OF 2022

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 operation of the impugned slot booking and advisory proceeding dated 23-12-2022 in ordering to enter the name of the 5th respondent as pattadar in respect of the land in Sy. No. 339, admeasuring Ac.19-00 at Peddamudunur village, Nagarkurnool Mandal and District shall be suspended by directing the respondents to continue Dharani passbook vide Khata No. 1197 in the name of the petitioner in respect of the said land and continue to pay the Rythu Bandhu amount to the petitioner, pending disposal of WP.No.46085 of 2022, 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 M DAMODAR REDDY Advocate for the Petitioner, GP FOR REVENUE for the Respondent Nos. 1 to 4, SRI A. VENKATESH, learned Senior Counsel representing SRI PRAMOD MALIGI, Advocate for the Respondent No.5, and the Court made the following;

ORDER:

Sri A.Venkatesh, learned Senior Counsel representing Sri Pramod Maligi, learned counsel appearing for respondent No.5 would submit that pursuant to order dated 30.06.2021 of Special Tribunal, Nagarkurnool, respondent No.4 had issued latest pattadar passbook and title deed dated 23.12.2022 in favour of respondent No.5.

Vide order dated 30.06.2021, Special Tribunal categorically held that both orders of respondent Nos. 3 and 4 respectively vide proceeding Nos.ROR/24/2007, dated 05.02.2007 and K/637/2018 dated 03.06.2019 are illegal and set aside the said proceedings. Having set aside the said proceedings, Special Tribunal directed respondent No.4 to restore the original entries as were there in the year 2007-2008 and both the parties are directed to seek relief in civil court for declaration of the title of the subject land. Instead of seeking relief in the Civil Court by way of declaration of title, respondent No.5 has obtained aforesaid latest pattadar passbook and title deed dated 23.12.2022 from respondent No.4 which is contrary to the aforesaid relief finding of Special Tribunal in the order dated 30.06.2021. In view of the same, matter requires examination.

Therefore, the aforesaid latest pattadar passbook and title deed No.T03100220655 vide Khata No.1563 dated 23.12.2022 issued in favour of respondent No.5 shall not be given effect.

List o 23.02.2023 for filing counter.

SD/- K. SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Collector, Nagarkurnool District, Nagarkurnool.
3. The Revenue Divisional Officer, Nagarkurnool Division, Nagarkurnool District.
4. The Tahsildar, Nagarkurnool Mandal, Nagarkurnool District.

5. S. Harshavardhan Rao, S/o. Late Gopal Rao, Occ: Legal Practitioner, R/o. Peddamudunoor village, Nagarkurnool Mandal, Nagarkurnool District.
(For addresses 1 to 5 by RPAD)
6. One CC to SRI. M DAMODAR REDDY Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, Hyderabad.
[OUT]
8. One spare copy

HIGH COURT

KL.J

DATED:25/01/2023

Note: LIST ON 23.02.2023 FOR FILING COUNTER

ORDER

WP.No.46085 of 2022

DIRECTION

