

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

MONDAY, THE ELEVENTH DAY OF MARCH TWO THOUSAND AND NINETEEN

:PRESENT:

HONOURABLE THE CHIEF JUSTICE THOTTATHIL B. RADHAKRISHNA

AND

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY



WRIT APPEAL NO: 1611 OF 2018

Writ Appeal Under Clause 15 of Letter Patent Act, praying the High Court against the Judgment Dated: 27.09.2018 in W.P No. 27477 of 2014, with a leave in so far as Appellants No. 19 to 13 are concerned, as during the subsistence of the Writ Proceedings, the Appellant No. 1 and Appellant No.7, who are arrayed as Respondent No. 3 and 9 respectively in the Writ Petition passed way on 30.10.2016 and 26-04-2017, therefore, Appellant No. 9 & 10 are brought on record as Legal Representatives of Appellant No. 1, so also Respondents No. 11 to 13 are brought as Legal Representatives of Appellant No. 7, as such they are arrayed as Appellants in this Appeal

Between:

1. E. Narasimha, S/o. Late E. Jangaiah (died per LRs)
2. E. Krishna, S/o. Late E. Agaiah Aged. 46 Years, R/o.. H.No. 9-1-431, Pensionpura, Langer House, Hyderabad.
3. E. Satyam, S/o. E. Mallesh, Aged. 32 Years, Occ. Business, R/o. H.No. Pensionpura, Langer House, Hyderabad.
4. E. Balamani, D/o. E. Mallesh Aged. 32 Years, Occ. Household, R/o. H.No. 9-2-300, Pensionpura, Langer House, Hyderabad.
5. E. Lakshmmamma, W/o. E. Mallesh Aged. 59 Years, Occ. Household, R/o. H.No. 9-2-300, Pensionpura, Langer House, Hyderabad.
6. E. Mallesh, S/o. E. Agaiah Aged. 58 Years, Occ. Employee, R/o. H.No. 9-2-343, Pensionpura, Langer House, Hyderabad.
7. E. Mallesh, S/o. Late Rarnaiah (died per LRs)
8. E. Kumar, S/o. Late Veera Mallesh Aged. 43 Years, Occ. Business, R/o. H.No. 9-2-423, Pensionpura, Langer House, Hyderabad.
9. E. Srinivas, S/o. Late E. Narasimha Aged. 44 Years, occ. Business, R/o. H.No. 9-2-3C. Pensionpura, Langer House, Hyderabad.
10. E. Ramu, S/o. Late E. Narasimha Aged. 35 Years, Occ. Business, R/o. H.No. 9-2-3C. Pensionpura, Langer House, Hyderabad.
11. E. Kamala Bai, W/o. Late E. Mallesh Aged. 58 Years, Occ. Household, H.No.9-2-423/A, Pensionpura, Langer House, Hyderabad.
12. E. Vijay Kumar, S/o. Late E. Mallesh Aged. 44 Years, Occ. Business, H.No.9-2-423/A, Pensionpura, Langer House, Hyderabad.
13. E. Raj Kumar, S/o. Late E. Mallesh Aged. 35 Years, Occ. Business, H.No.9-2-423/A, Pensionpura, Langer House, Hyderabad.
14. E. Anil Kumar, S/o. Late E. Mallesh Aged. 33 Years, Occ. Business, H.No.9-2-423/A, Pensionpura, Langer House, Hyderabad.

Appellant

AND

1. Om Prakash, S/o. Late Seethal Singh, Aged. 60 Years, Occ. Business, R/o.. H.No. 13-6-822/36/27, Bapti Nagar, Langer House, Hyderabad.
2. K. Pratap, S/o. K. Nagi Reddy, Aged. 53 Years, Occ. Engineer, R/o. Flat No. 4, Shilpa Apartments, Erramanzil Colony, Hyderabad.
3. The Commissioner, Survey Settlements and Land Records Cum Appellate Authority, State of Telangana, At Narayanguda, Hyderabad, Telangana.
4. The Assistant Director of Survey and Land Records, Ranga Reddy District.

Respondent

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of

SRI ANAND KUMAR KAPOOR Advocate for the Appellants, SRI O MANOHAR REDDY Advocate for the Respondent No. 1 & 2 and G.P for Revenue for the Respondent No. 3 & 4 and the Court made the following.

ORDER

We have heard the learned counsel for the appellants broadly on different aspects sought to be raised in this Writ Appeal. We have also heard the learned counsel for the unofficial respondents, who are writ petitioners, in the same manner. We are yet to hear the learned counsel for the Department of Revenue.

2. The writ appellants are the unofficial respondents in Writ Petition No.27477 of 2014 and the unofficial respondents in the Writ Appeal are the writ petitioners; hereinafter we refer to the parties going by their status in the said Writ Petition.

3. The writ petitioners claim rights over certain portions of the land in Survey No.15/1 at Hydershakot Village, Rajendra Nagar Mandal, Ranga Reddy District. The unofficial respondents in the writ petition claim right over certain portions of Survey Nos.16 to 19 and 21 of that village. What we see is that there is already two rounds of survey when the parties accusing each other as to whether the proceedings carried with due notice to all concerned. A game of musical chair in management of Revenue is always against the interests of the State for reasons more than one. Proper ascertainment and management of the lands in a State are to be among the primary duties of the custodian of the State's governance. We are, therefore, of the view that the State's revenue officials, who are among the respondents in this matter, have to find out ways and means of liquidating the issue by putting an end to the controversy by requisite survey of the required items of survey numbers in Hydershakot Village.

4. For the aforesaid reasons, we direct respondent Nos.1 and 2 to consider the materials on record and the relevant revenue records, which may be in their possession or in the office connected to the Revenue Department. They shall also take into consideration the findings of the learned Single Judge and the views expressed in the impugned order. Thereupon, a comprehensive and responsible affidavit shall be placed on record by respondent No.1 suggesting ways and means of liquidating the controversy between the writ petitioners

and the private respondents in the writ petition. Let this exercise be carried out without delay.

5. Awaiting such affidavit, post on 12.06.2019.

Sd/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. Om Prakash, S/o. Late Seethal Singh, Occ. Business, R/o.. H.No. 13-6-822/36/27, Bapti Nagar, Langer House, Hyderabad. (by RPAD)
2. K. Pratap, S/o. K. Nagi Reddy, Aged. 53 Years, Occ. Engineer, R/o. Flat No. 4, Shilpa Apartments, Erramanzil Colony, Hyderabad. (by RPAD)
3. The Commissioner, Survey Settlements and Land Records Cum Appellate Authority, State of Telangana, At Narayanguda, Hyderabad, Telangana. (by RPAD)
4. The Assistant Director of Survey and Land Records, Ranga Reddy District. (by RPAD)
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9. E. Mallesh, S/o. E. Agaiah, Occ. Employee, R/o. H.No. 9-2-343, Pensionpura, Langer House, Hyderabad.
10. E. Kumar, S/o. Late Veera Mallesh, Occ. Business, R/o. H.No. 9-2-423, Pensionpura, Langer House, Hyderabad.
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14. E. Vijay Kumar, S/o. Late E. Mallesh, Occ. Business, H.No. 9-2-423/A, Pensionpura, Langer House, Hyderabad.
15. E. Raj Kumar, S/o. Late E. Mallesh, Occ. Business, H.No. 9-2-423/A, Pensionpura, Langer House, Hyderabad.
16. E. Anil Kumar, S/o. Late E. Mallesh, Occ. Business, H.No. 9-2-423/A, Pensionpura, Langer House, Hyderabad.
17. One CC to SRI. ANAND KUMAR KAPOOR Advocate [OPUC] (by sp1 neryga)
18. One CC to SRI. O MANOHAR REDDY Advocate [OPUC] (by sp1 neryga)
19. Two CC's to G.P FOR REVENUE, High Court for the State of Telangana at Hyderabad (OUT) (by sp1 neryga)
20. One spare copy

Avs

HIGH COURT

HCJ
&
ARRJ

DATED:11/03/2019

ORDER

WA.No.1611 of 2018



DIRECTION