

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 1398 of 2015

DATE: 16.02.2015

Between:

Abdul Samad
and another

.. Petitioners

and

The Prl. Secretary to Govt. (Telangana)
and 13 others
Respondents

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ORDER:-

The petitioners assert that their father was the protected tenant of the land in an extent of Ac.5.33 cents in Sy.No.314 situated in Boyepally village, Mahabubnagar Mandal which was leased on rent by one Ghouse Moinuddin, the original landlord. During the life time of the father of the petitioners, the landlord sold the land to their father for a sum of Rs.2,000/- by virtue of an agreement of sale dated 07.07.1967 and subsequently, balance consideration was also paid. Before initiation of proceedings for transfer of patta in the name of the father of the petitioners, their father died leaving the petitioners and their elder brother – Abdul Hag, who is the father of respondent Nos.4 to 9 as his legal heirs. After his demise, the petitioners' elder brother was looking after the agricultural land on behalf of the joint family. While so, it is stated that the petitioners' elder brother and the landlord having colluded together jointly sold an area of Ac.1.20 cents of the tenancy land in favour of one K.Sunitha through a registered sale deed dated 18.08.1986 and further with the collusion of the 3rd respondent-Revenue Divisional Officer, they managed to get 38-E certificate for an extent of Ac.4.17 cents and started alienating the land to others. Then, the petitioners filed a petition before the 3rd respondent-Revenue Divisional Officer for grant of Sale Certificate in their favour, and the 3rd

respondent, though, initially, by order dated 03.05.2013, granted stay of further sale transaction by way of any sale agreement in respect of Ac.5.33 cents of land, finally dismissed the petition by order dated 19.12.2014. Challenging the same, the petitioners filed Tenancy Appeal along with an application seeking stay of the orders of the

3rd respondent, before the Joint Collector, who issued notices to the parties concerned directing them to appear before him on 07.02.2015 for hearing. Now, the petitioners' grievance is that during the pendency of the stay petition in the appeal, the unofficial respondents, under the guise of the orders of dismissal passed by the 3rd respondent, are taking steps to alienate the property and create third party interest. Hence, the present writ petition is filed seeking appropriate directions.

The learned counsel for the petitioners has submitted that even though the appeal stood posted to 07.02.2015 for hearing, the matter was not taken up on that day because as on today, no permanent officer concerned is appointed. He further submits that even the in-charge Joint Collector, the 2nd respondent herein, is not taking up any of the regular appeals, and prays to grant stay of the order dated 19.12.2014 of the Revenue Divisional Officer by considering the fact that the 3rd respondent initially granted stay on 03.05.2013 which was in operation till the disposal of the petition.

Heard the learned Government Pleader for Revenue appearing for respondent Nos.1 to 3 and the learned counsel for the Caveators, who are respondent Nos.10, 12 and 13 and perused the material placed on record.

Considering the fact that by orders dated 03.05.2013, the

3rd respondent-Revenue Divisional Officer himself had granted stay of further transaction of sale by way of any sale agreement in respect of the property, mutation of the names of the unofficial respondents in the revenue records and issuance of pattadar passbooks and title deeds in their favour shall be kept in abeyance till the disposal of the appeal, further, considering the fact the appeal filed before the

2nd respondent-Joint Collector is pending adjudication, this Court deems it appropriate to direct the 2nd respondent to dispose of the stay application filed along with the appeal within a period of eight weeks from today. Till such time as the stay application is disposed of, respondent Nos.4 to 14 shall not create any third party interest or deal with the property which is the subject matter of the appeal.

With the above directions, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

16.02.2015

bcj