**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.1218, 1221 and 27200 of 2008; 31140 and 31155 of 2010**

**COMMON ORDER:**

All these Writ Petitions are being disposed of by this common order as they relate to the dispute with regard to the land of an extent of Acs.20.18 guntas situated in Survey Nos.174, 177, 179, 180 and 187 of B.Madharam Village, Suryapet Mandal, the then Nalgonda District and now Suryapet District.

Smt.K.Andalamma and Sri K.Venkata Ramana executed sada sale deed on 05.01.1984 in favour of the following persons against the extents mentioned therein:

1. A.Poolamma Acs.13.17 guntas
2. K.Rama Krishna Acs.2.15 guntas
3. K.Manjula Acs.Ac.2.24 guntas
4. P.Narasimhareddy Ac.1.30 guntas
5. G.Lakshman Rao Ac.0.12 guntas

The purchaser Smt.A.Poolamma obtained 13B certificate on 04.03.1998 from the Mandal Revenue Officer in respect of an extent of Acs.13.17 guntas of land purchased by her. She in turn sold the entire extent to the following persons under various sale deeds:

| "Details of Land as per Form No.13(B) Certificate | | Details of Land Sold by Smt.A.Poolamma | Extent |
|---|---|---|---|
| Sy.No. | Extent | | |
| 174 | 0.35 | Regd.Sale deed No.1144/01, dated 20/03/2001 | 0.35 |
| 177 | 4.00 | 1. Regd. Sale deed No.1987/98 Dated 25/09/1998 | 2.00 |

| | | | |
|---|---|---|---|
| | | 2. Regd. Sale deed No.2029/98 Dated 7/10/1998 | 2.00 |
| 179 | 4.34 | Agreement of Sale-cum-General Power of Attorney document No.558/98, dated 31/3/1998 | 4.34 |
| 180 | 1.26 | 1. Regd. Sale deed No.2056/01, Dated 25/5/2001 | 0.30 |
| | | 2. Regd. Sale deed No.2057/01, Dated 25/5/2001 | 0.30 |
| | | Note: sold land in Sy.No.180, extent 1.20 Guntas against Ac.1.26 Guntas in Sy.No.180 but wrongly shown as Sy.No.179 though by 31/3/1998 she sold entire land in Sy.No.179. | |
| 180 | 2.02 | Regd. Sale deed No.2039/98 Dated 8/10/1998 | 2.02 |
| **Total** | **13.17** | **Total** | **13.11”** |

After sale of the said extent of land the original owner Smt.K.Andalamma challenged the issuance of 13B certificate in favour of Smt.A.Poolamma by filing an appeal before the Revenue Divisional Officer on 03.06.2005. The said appeal was dismissed by the Revenue Divisional Officer, Suryapet, on 18.11.2006. Challenging the said order, she filed a revision before the Joint Collector, Nalgonda, in November, 2006. Though W.P.No.1222 of 2008 was filed against the order passed on 10.12.2007 dismissing the stay application, the same was later on withdrawn on 10.02.2012. Against the order dismissing the revision by the Joint Collector by order dated 10.12.2007, she filed W.P.No.1218 of 2008 on 17.01.2008. She sought for suspension of the 13B certificate issued in favour of Smt.A.Poolamma on 04.03.1998. When the said application was dismissed in W.P.M.P.No.1457 of 2008 on 28.01.2008, she preferred W.A.No.157 of 2008 on 11.02.2008. In the

meanwhile, Smt.A.Poolamma filed O.S.No.16 of 2008 against one Sri G.Lakshma Rao for permanent injunction in respect of land of an extent of Ac.1.26 guntas in Survey No.180A. When the said suit is pending, the petitioner in W.P.No.1218 of 2008 and the fourth respondent therein entered into a compromise on 27.07.2008 wherein the writ petitioner accepted the title of the fourth respondent to the extent of Acs.12.00 and the fourth respondent relinquished her right to the extent of Ac.1.17 guntas in favour of the petitioner Smt.K.Andalamma. In terms of the said compromise, W.A.No.157 of 2008 and W.P.No.1218 of 2008 were disposed of on 30.07.2008.

Smt.K.Andalamma also filed W.P.No.1221 of 2008 challenging the 13B certificates issued by the Tahsildar, Suryapet Mandal, on 04.03.1998 in respect of the land of an extent of Ac.1.30 guntas in Survey Nos.177/A & 179/A situated at B.Madharam Village of Suryapet Mandal, and simultaneously filed a revision before the Joint Collector, Nalgonda. But, in view of the pendency of the Writ Petitions before this Court, the Joint Collector passed an order on 29.07.2010 stating that in view of the pendency of the Writ Petitions, it is not appropriate for her to pass any orders in the revision. Challenging the said order Smt.K.Andalamma filed W.P.No.31140 of 2010. Similarly, when an order was passed by the Joint Collector in respect of the land of an extent of Ac.0.12 guntas in Survey No.187/A of B.Madharam Village of Suryapet Mandal, the same was challenged by Smt.K.Andalamma in W.P.No.31155 of 2010.

After disposal of the Writ Appeal, as aforesaid, respondent No.5 in W.P.No.1218 of 2008, who got impleaded in W.A.M.P.No.3496 of 2008 in W.A.No.157 of 2008, after obtaining leave, filed two applications in W.A.M.P.Nos.1940 of 2009 and 1939 of 2009 to reopen the order dated 30.07.2008 in W.A.No.157 of 2008 and to recall the said order respectively. In the said applications, the Division Bench of this Court, by its order dated 19.06.2009, recalled the order dated 30.07.2008. The Writ Petition was restored and directed to be posted for hearing. That is how W.P.No.1218 of 2008 is listed before this Court.

Respondent No.5 in W.P.No.1218 of 2008, who got impleaded in W.A.No.157 of 2008 and at whose instance W.P.No.1218 of 2008 was restored, got himself impleaded as respondent No.5 along with his son as respondent No.6 in W.P.No.1218 of 2008 and he also filed W.P.No.27200 of 2008, challenging the proceedings No.A/13622/08, dated 01.12.2008, of the Tahsildar, Suryapet Mandal of then Nalgonda District restoring the patta to an extent of Ac.1.17 guntas in Survey No.180 of B.Madharam Village, Suryapet Mandal in favour of Smt.K.Andalamma. He also prayed to declare the registered sale deed No.6709/2008 dated 03.08.2008 executed by Smt.K.Andalamma in favour of respondent Nos.5 and 6 in W.P.No.27200 of 2008 as null and void and for a consequential

direction to respondent No.7 therein to make necessary entries in the Registers.

This Court, by order dated 15.12.2008 in W.P.No.27200 of 2008, granted *status quo* with regard to the entries in the revenue records in so far as the land in Survey No.180 of B.Madharam Village of Suryapet Mandal in Nalgonda District was concerned. The said order has been in operation till today.

Sri G.Lakshma Rao claims that he purchased an extent of Ac.1.36 guntas forming part of Survey Nos.180 and 188 of B.Madharam Village from the original owner Sri K.Venkata Ramana under a registered sale deed dated 16.06.1999. His case is that though the entire land was situated in Survey No.180, while executing the sale deed, Survey No.188 was wrongly added and the said survey number was later on deleted by way of rectification in the judgment and decree in O.S.No.8 of 2007 dated 31.07.2008 passed by the learned Senior Civil Judge, Suryapet.

As stated above, W.P.Nos.1218 of 2008, 1221 of 2008, 31140 of 2010 and 31155 of 2010 were filed by Smt.K.Andalamma, who died during the pendency of the present Writ Petitions. Later on, her daughter Smt.B.Aruna came on record in W.P.Nos.1218 of 2008, 31140 of 2010 and 31155 of 2010 and after her death, her husband B.Rama Krishna Rao, came on record. Now Sri B.Rama Krishna Rao also expired. None came forward to continue the present

proceedings, and hence, W.P.Nos.1218 of 2008, 1221 of 2008, 31140 of 2010 and 31155 of 2010 stood abated.

W.P.No.27200 of 2008, which challenged the order of the Tahsildar, Suryapet, restoring the patta to an extent of Ac.1.17 guntas in favour of the said Smt.K.Andalamma has to be allowed since the restoration of patta took place by virtue of the compromise entered by Smt.K.Andalamma and Smt.A.Poolamma, which is now set aside by the Division Bench by recalling the order dated 30.07.2008 and restoring W.P.No.1218 of 2008. Learned Counsel for the petitioner in W.P.No.27200 of 2008 submits that O.S.No.54 of 2012 was filed by respondent No.5 in W.P.No.1218 of 2008 on the file of the learned Senior Civil Judge, Suryapet, seeking permanent injunction against respondent Nos.8 to 13 in W.P.No.1218 of 2008 and the same is pending. Since the petitioner in W.P.No.27200 of 2008 claims to be the purchaser of the property of an extent of Ac.1.36 guntas in Survey No.180 from Sri K.Venkata Ramana and several sales took place by virtue of the sale deeds executed by Smt.A.Poolamma, disposal of these Writ Petitions will not stand in way of any of the parties in the Writ Petitions including W.P.No.27200 of 2008 establishing their right, title and interest in the properties purchased by them in a competent civil Court.

Accordingly, W.P.Nos.1218 of 2008, 1221 of 2008, 31140 of 2010 and 31155 of 2010 are disposed of as abated, and

W.P.No.27200 of 2008 is allowed setting aside the order of Tahsilar, Suryapet, dated 01.12.2008. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

**(A.RAMALINGESWARA RAO, J)**

25.07.2017
vs