

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.37983 of 2016**

**ORDER:**

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner requesting to issue the writ in the nature of certiorari after calling for records relating to order, dated 01.09.2016, in I.A.No.1065 of 2016 in L.R.A.No.03 of 2016, on the file of the Chairman, Land Reforms Appellate Tribunal-cum-II Additional District Judge, Ranga Reddy District, at L.B. Nagar, and set aside the same.

**2.** I have heard the submissions of Sri *B.Sesi Bushan Rao*, learned counsel appearing for the petitioner, of Sri *E.Madan Mohan Rao*, learned counsel appearing for the 1<sup>st</sup> respondent; and of the learned Government Pleader for Land Acquisition (Telangana), appearing for the respondents 2 & 3. I have perused the material record.

**3.** When the vacate petition I.A.No.1 of 2016 (W.V.M.P.No.5034 of 2016) is taken up for hearing, it is requested that instead of the vacate petition, the writ petition may be disposed of.

**4.** Having regard to the subject matter and the narrow scope of the issue, the adjudication of this writ petition need not detain this Court for long.

**5.** The case of the 1<sup>st</sup> respondent is that she is the absolute owner of the subject property, having purchased the same under regular registered sale deeds. Whereas the case of the writ petitioner is that the subject land was assigned to his wife under a patta.

However, by order, dated 10.03.1992, in L.R.A.No.20 of 1989, the Land Reforms Appellate Tribunal-cum-District Court, Ranga Reddy District, Hyderabad, allowed the appeal filed against the order, dated 07.06.1982, in C.C.Nos.3867, 3864, 3863/I/75, passed by the Revenue Divisional Officer, Hyderabad East Division. The operative portion of the said order reads as under:

**“In the result, the appeal is allowed in part setting aside the order of the lower tribunal to an extent of selection of land of 1 acre 20 guntas in S.No.194 of Mankhal village and the lower tribunal is further directed to select some other land in lieu of the above said land, from out of the lands of the declarants, and I.A.1734/91 allowed and the document is ordered to receive and marked as Ex.A1.”**

Therefore, the 1<sup>st</sup> respondent contends that the subject land is no longer a subject matter of the Land Reforms proceedings. Be that as it may.

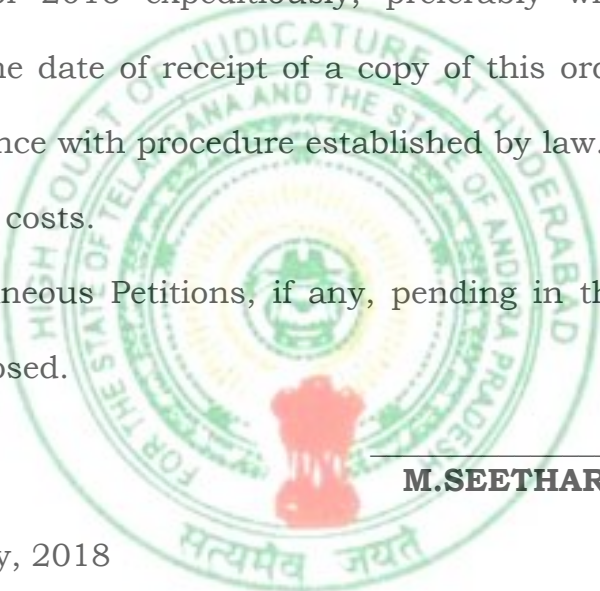
**6.** The writ petitioner submits that the land is assigned to the wife of the writ petitioner and that the assignment shall be cancelled following the procedure established by law and not otherwise. However, the 1<sup>st</sup> respondent filed L.R.A.No.03 of 2016 before the appellate Tribunal and the appellate Tribunal passed the impugned order, dated 01.09.2016, in I.A.No.1065 of 2016, in the afore-stated L.R.A.No.3 of 2016. Aggrieved thereof, this writ petition is filed by the writ petitioner, who is the 4<sup>th</sup> respondent in the afore-stated appeal.

**7.** Since this writ petition is filed assailing an interlocutory order and as the L.R.A.No.03 of 2016 is stated to be pending before the Tribunal, this Court need not go into the merits of the matter and adjudicate the complex factual issues, which the Tribunal would be

called upon to adjudicate in the pending L.R.A.No.03 of 2016. Suffice, if it is observed that both the petitioner and the 1<sup>st</sup> respondent would be at liberty to raise all contentions, which the law permits before the Tribunal to enable the Tribunal to effectively adjudicate the issue involved in the said appeal.

**8.** In that view of the matter, without entering into the merits of the matter, the Writ Petition is disposed of directing the learned Chairman, Land Reforms Appellate Tribunal-cum-II Additional District Judge, Ranga Reddy District, at L.B. Nagar, to dispose of L.R.A.No.03 of 2016 expeditiously, preferably within eight (08) weeks from the date of receipt of a copy of this order, however, in strict accordance with procedure established by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.



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**M.SEETHARAMA MURTI, J**

Date: 12<sup>th</sup> July, 2018

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