

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT APPEAL No.762 of 2019

Date: 27.09.2019

Between:

Janagama Somi Reddy & five others

...Appellants

And

The State of Telangana,
Rep. by its Principal Secretary to Government,
Revenue Department, Telangana Secretary,
Hyderabad.

...Respondents

Counsel for the appellants : Mr.Jalli Kanakaiah

Counsel for the respondents : Government Pleader for
Revenue

The Court made the following:

JUDGMENT: (Per the Hon'ble Sri Justice A.Abhishek Reddy)

The present Writ Appeal is filed by the appellants being aggrieved by the order, dated 19.09.2019, passed by the learned Single Judge in W.P.No.20391 of 2019 wherein the learned Single Judge had passed the following order:-

“Notice before admission.

Learned Counsel for the petitioners is permitted to take out notice for the seventh respondent by Registered Post with Acknowledgment Due and file proof of service.

There shall be status quo obtaining as on date with respect to the entries in the revenue records, maintained.”

2. It is the case of the appellants/writ petitioners that they are in possession and enjoyment of lands in Sy.No.92/A admeasuring Acs.6.01 gts., Sy.No.143/A admeasuring Acs.2.20 gts., Sy.No.147/A admeasuring Acs.10.01 gts., Sy.No.163/A admeasuring Acs.12.23 gts., and Sy.No.339/A admeasuring Acs.1.19 gts., situated at Yellamla Village, Jangam Mandal and District. It is their further case that the 7th respondent has filed an application before the Tahsildar to implement the Judgment and Decree passed in O.S.No.7 of 1970, dated 29.08.1977, and the same was implemented by the Tahsildar on 09.12.2010. Thereafter, pursuant to the said implementation by the Tahsildar, the names of the writ petitioners were removed from the ROR records and the name of the 7th respondent was incorporated. The petitioners have preferred an appeal before the appellate authority i.e. Revenue Divisional Officer, questioning the orders of the Tahsildar, dated 09.12.2010, vide appeal No.I/2475/2015. The RDO, vide orders dated 19.04.2017, has allowed the appeal by setting aside the orders of the Tahsildar. Thereafter, the

7th respondent has filed a revision under Section 9 of The Rights in Land and Pattadar Pass Books Act, before the Joint Collector vide case No.B2/1460/2017 and the same was disposed of by quashing the orders of the Tahsildar passed in F2/4156/2010 dated 19.08.2010 and the orders of the RDO passed in file No.I/2475/2015 dated 19.04.2017. The Joint Collector further held that since the matter is civil in nature, the parties can approach the competent Civil Court for redressal of their grievance and also directed the Tahsildar to restore the names of the original pattadars and to record the name of the occupant as per the actual physical possession and to maintain *status quo* until final orders are passed by the competent Civil Court. Pursuant to the said orders of the Joint Collector, dated 13.04.2018, the Tahsildar vide proceedings No.C/10446/2016, dated 10.07.2019, has entered the names of the original pattadars and in the occupation column, the name of the 7th respondent was shown as been in possession. Aggrieved by the same, the writ petitioners have filed the writ petition challenging the orders of the Tahsildar, dated 10.07.2019. On 19.09.2019, the learned Single Judge was pleased to pass the order referred above.

3. The Writ Appeal is filed by the appellants mainly contending that the appellants are in possession and enjoyment of the subject lands since 1974 till 2010 and the 7th respondent taking advantage of the orders of the Tahsildar, Jangaon Mandal, dated 09.10.2010, has occupied the lands in question. Even though the Joint Collector has set aside the orders of the Tahsildar, the 7th respondent was shown in the possession column

wrongly by the Tahsildar in the order dated 10.07.2019, impugned in the writ petition.

4. Heard the learned counsel for the appellants Sri Jalli Kanakaiah and the learned Government Pleader for the respondents.

5. It is seen from the record that after taking into account the injunction order passed in O.S.No.138/2016 by the Principal Junior Civil Judge, Jangaon, wherein the Civil Court had *prima facie* held that the 7th respondent is in possession of the subject land and also the Report dated 06.07.2019 of the Giridhavar, Jangaon, who after conducting spot inspection/local enquiry had reported that the physical possession of the subject lands was in the hands of the 7th respondent, the Tahsildar has recorded the name of Nellutla Sakkubai i.e. the 7th respondent herein as having been in physical possession and enjoyment of the same vide order dated 10.07.2019. In this backdrop, we do not find any infirmity or illegality in the order passed by the learned Single Judge as he has only stated that the *status quo* in respect of the entries to be maintained. It is for the appellants/ writ petitioners to establish before the competent Forum that they are in physical possession of the lands in question and assail the orders of the Tahsildar, dated 10.07.2019, as incorrect.

6. The learned Counsel for the appellants has fairly submitted that pursuant to the orders of the Joint Collector, dated 30.04.2018, the appellants have neither approached any Civil Court, nor filed any appeal against the orders of the Tahsildar, dated 10.07.2019. In the absence of any record to show that the

appellants are in physical possession and enjoyment of the subject lands, the order of the learned Single Judge granting *status quo* is perfectly justified and does not call for any interference. If the appellants are aggrieved by the orders of the Tahsildar, they are free to file an appeal before the competent authority assailing the orders passed by the Tahsildar vide proceedings No.C/10446/2016 dated 10.07.2019. It is needless to mention that any observations made in this order shall not be construed as deciding on the rights of the parties and if any appeal is filed against the orders of the Tahsildar, dated 10.07.2019, the same shall be decided on its own merits by the appellate Authority uninfluenced by the observations made by this Court.

7. In view of the above mentioned reasons, the appeal is dismissed as devoid of merits.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, HCJ

A.ABHISHEK REDDY, J

27th September, 2019
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