

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24450 OF 2019

Date: 07.11.2019

Between:

Musku Kondal Reddy, S/o.Late Raji Reddy,
Aged 50 yrs, Occu : Agriculture,
R/o.Gollapalli Village, Jagtial Mandal,
Jagtial District.

.....Petitioner

And

The State of Telangana,
Rep., by its Special Chief Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 3.

2. O.S.No.38 of 1999 on the file of Senior Civil Judge, Jagtial was instituted by G.Subadramma-4th respondent herein who claims to be the sister of petitioner. The suit was decreed on 19.11.2007. The trial Court granted 1/5th share in joint family property in favour of the plaintiff. It appears, final decree proceedings are pending. While so, the Tahsildar, vide his proceedings impugned in the writ petition in purported compliance of the judgment and decree of the trial Court, apportioned joint family property into seven shares. According to learned counsel for the petitioner, this is illegal and contrary to the decree of the trial Court. The legal heirs of Gaddam Susheela are only entitled to the share of Susheela, but not independently. Be that as it may, aggrieved by the decision of Tahsildar, petitioner preferred Appeal No.914 of 2019 before the Revenue Divisional Officer (RDO) acknowledged by the RDO. Petitioner now alleges that consequent to the orders passed by Tahsildar, further steps are being taken, even before appeal is considered. According to learned counsel, along with the appeal, petitioner also filed interlocutory application to grant stay of operation of the order of Tahsildar. But so far neither the appeal nor the stay application is taken up.

3. Having regard to the said submission, while directing the RDO to consider the interlocutory application after affording due

opportunity to all the parties and expediting disposal of Appeal No.914 of 2019 pending before him, status-quo obtaining as on today shall be maintained by the parties. However, this order does not come in the way of authority in considering the matter on merits uninfluenced by the observations made above. Further this order shall operate till a decision is taken by the RDO on the interlocutory application.

4. With the above observations, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

7th November, 2019
Rds

