

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 NOs.82, 83 and 89 of 2020

Date: 03.02.2020

Between:

W.A.No.82 of 2020

Smt.Vaddi Prameela Rani ... Appellant

VS

The State of Telangana & others ... Respondents

W.A.No.83 of 2020

Vaddi Gopal Reddy ... Appellant

VS

The State of Telangana & others ... Respondents

W.A.No.89 of 2020

Vaddi Srinivas Reddy ... Appellant

VS

The State of Telangana & others ... Respondents

Counsel for the appellants : Mr.H.Venugopal

Counsel for the respondents : G.P. for Revenue

The Court made the following:

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

All these three writ appeals are filed against the common order, dated 11.12.2019, passed by a learned Single Judge of this Court in I.A.No.1 of 2019 in W.P.No.25532 of 2019, I.A.No.1 of 2019 in W.P.No.25468 of 2019, and I.A.No.1 of 2019 in W.P.No.25471 of 2019, whereby the learned Single Judge refused to grant interim relief to the petitioners on the ground that the same would amount to granting the main relief prayed for in the writ petitions.

2. The brief facts are that the appellants in W.A.Nos.82, 83 and 89 of 2020 claim that they are the owners and pattadars of the lands admeasuring Acs.3.16 guntas in survey No.375/3, Ac.1.28 guntas in survey No.375/2, Acs.3.16 guntas in survey No.375/a, and Ac.1.28 guntas in survey No.375/2 respectively of Yacharam Village and Mandal, Ranga Reddy District, respectively. Questioning the inaction of the official respondents in issuing the digital e-pattadar passbooks and title deeds to the appellants in respect of the above said lands, they filed W.P.Nos.25532 of 2019, 25468 of 2019 and 25471 of 2019 respectively. The appellants are claiming rights to the lands in question through registered sale deeds executed in their favour in the year 2006. According to the appellants, earlier they were issued pattadar passbooks and title deeds and their names were also mutated in the revenue records. But for the reasons best known to the official respondents, their names were not included in the e-pattadar passbooks. Hence, the amounts to which the appellants are entitled under the 'Rythu Bandhu' scheme are also not been paid to them. Therefore, left with no other alternative, the present writ petitions have been filed

praying that the official respondents may be directed to issue digital e-pattadar passbooks and title deeds to the appellants. In the said writ petitions, appellants have also filed interlocutory applications seeking a direction to the official respondents to issue digital pattadar pass books and title deeds to the appellants in respect of the above said lands pending disposal of the writ petitions. The learned Single Judge has declined to grant interim order, as prayed. Questioning the same, the appellants are before this Court by way of appeals.

3. The learned counsel for the appellants has submitted that that the appellants have an excellent case on merits. Moreover, the inaction of the unofficial respondents in not issuing e-pattadar passbooks and title deeds, and in not paying the amounts under the 'Rythu Bandhu' scheme to the appellants, solely based on the claim made by the Bhoodhan Yagna Board i.e. the respondent No.5, is not only arbitrary, but also illegal. The non-granting the interim order sought by the petitioners by the learned Single Judge is not proper; it will cause irreparable loss to the petitioners.

4. On the other hand, the learned Government Pleader has contended that the counter is not filed; if the interim order were granted it will amount to granting the main relief. There will be nothing left in the writ petition to be adjudicated.

5. Heard Sri H.Venugopal, the learned counsel for the appellants, and the learned Government Pleader for Revenue, for respondent Nos.1 to 4. Perused the record.

6. From a bare perusal of the material on record, it is seen that the prayers sought by the appellants in the main writ petitions and the interim applications are one and same.

7. The well established practice and procedure is that whenever a person approaches the Court, he will seek the main relief and if necessary he will also seek interim relief by way of filing an interlocutory application. The main relief can only be granted after issuing notice to the respondents and counters are filed by them, either admitting or denying the claim of the petitioner. After the pleadings are completed, the Court will be in a position to adjudicate upon the rights of the parties, and to decide the case on merits. Unless and until the Court adjudicates and decides the case on merits, no interim order, which will have the effect of granting the main relief, can be granted.

8. The well established principle of law is that the Courts should refrain from passing an interim order which would have the effect of granting the main relief in the writ petition. The Courts without finally adjudicating the issue in question, cannot/will not grant interim order which would amount to allowing the main case itself without giving an opportunity to the contesting party to oppose the same.

9. For the afore-stated reasons, we do not find any error or illegality in the impugned common order passed by the learned Single Judge. Hence, all the writ appeals are hereby dismissed. It is left open to the parties to make a request to the learned Single Judge to hear the writ petitions out of turn.

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

3rd February, 2020
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