HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No. 12045 OF 2020

Between:

1. Kenda Gangadhar, S/o. K. Mallaiah, Aged about 36 years, R/o. H-No.4-39/2/6, TLR Avenue, Macha Bollaram, Alwal, Secunderabad.
2. Darshanala Kista Swamy, S/o. Rajaiah, Aged about 40 years, R/o. Bavusaipet Village, Konaraopet Mandal, Rajanna Siricilla District.
3. M.Gangadhar, S/o. Ganga Rajaram, Aged 37 years, R/o. Bavusaipet Village, Konaraopet Mandal, Rajanna Siricilla District.
4. D. Kumar, S/o. Meenaiah, Aged about 37 years, R/o. Bavusaipet Village, Konaraopet Mandal, Rajanna Siricilla District.

   (Petitioner Nos.2 to 4 rep. by their GPA Holder, Kenda Gangadhar i.e., Petitioner No.1 herein)

...PETITIONERS

AND

1. The State of Telangana, Revenue Department, Rep. by its Principal Secretary, Secretariat, Hyderabad.
2. The Joint Collector, Medchal Malkajgiri, Medchal Malkajgiri District.
3. The Revenue Divisional Officer, Medchal Malkajgiri Division, Medchal Malkajgiri District.
4. The Thasildar, Shamirpet Mandal, Medchal Malkajgiri District.
5. Smt. G. Vijaya Laxmi, D/o. Late R.Venkateswara Rao, Aged about 40 years, R/o. Plot No.16, Saraswathinagar, Lothukunta, Alwal, Secunderabad.
6. Ramaraju Sudershan, S/o. Late Laxmi Narsimha Rao, Aged about 80 years, R/o. H.No.1-7, Bommarasipet Mandal, Shamirpet Mandal, Medchal Malkajgiri District.
7. G.Krishna Mohan, S/o. Narsaiah, Aged about 39 years, R/o. H.No.7- 1-95, Orre Gadda, Mallial Village and Mandal, Jagitial District.
8. G. Venkata Madhava Krishna Rao, S/o. Sudershan Rao, aged about 46 years, R/o. Chilvakodur Village, Gollapalli Mandal, Jagtial District.
   (Respondent No.8 is not necessary party to this Writ Petition).

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the Respondent No.4, in incorporating the name of the Respondent No.5 in the Revenue records, by deleting the names of the Petitioners, without issuing any notice to the petitioners, without giving an opportunity of being heard, vide File No.B/2276/2019, dated: 15/2/2020, as arbitrary, illegal, in flagrant violation of principles of natural justice, without jurisdiction, contrary to the settled principles of law and consequently set aside the order passed by the Respondent No.4, vide File No.B/2276/2019, dated: 15/2/2020.

Contd....

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order passed by the respondent No.4 vide File No. B/2276/2019, dt. 15/02/2020 pending disposal of the above writ petition.

IA NO: 2 OF 2020

Between:

Smt. G. Vijaya Laxmi, D/o. Late R.Venkateswara Rao, Aged about 40 years, R/o. Plot No.16, Saraswathinagar, Lothukunta, Alwal, Secunderabad.

...Petitioner/ 5th Respondent

AND

1. Kenda Gangadhar, S/o. K. Mallaiah, Aged about 36 years, R/o. H-No. 4-39/2/6, TLR Avenue, Macha Bollaram, Alwal, Secunderabad.
2. Darshanala Kista Swamy, S/o. Rajaiah, Aged about 40 years, R/o. Bavusaipet Village, Konaraopet Mandal, Rajanna Siricilla District.
3. M.Gangadhar, S/o. Ganga Rajaram, Aged 37 years, R/o. Bavusaipet Village, Konaraopet Mandal, Rajanna Siricilla District.
4. D. Kumar, S/o. Meenaiah, Aged about 37 years, R/o. Bavusaipet Village, Konaraopet Mandal, Rajanna Siricilla District.

(Petitioner Nos.2 to 4 rep. by their GPA Holder, Kenda Gangadhar i.e., Petitioner No.1 herein)

...Respondents/Writ Petitioners

5. The State of Telangana, Revenue Department, Rep. by its Principal Secretary, Secretariat, Hyderabad.
6. The Joint Collector, Medchal Malkajgiri, Medchal Malkajgiri District.
7. The Revenue Divisional Officer, Medchal Malkajgiri Division, Medchal Malkajgiri District.
8. The Thasildar, Shamirpet Mandal, Medchal Malkajgiri District.
9. Ramaraju Sudershan, S/o. Late Laxmi Narsimha Rao, Aged about 80 years, R/o. H.No.1-7, Bommarasipet Mandal, Shamirpet Mandal, Medchal Malkajgiri District.
10. G. Krishna Mohan, S/o. Narsaiah, Aged about 39 years, R/o. H.No.7-195, Orre Gadda, Mallial Village and Mandal, Jagitial District.
11. G. Venkata Madhava Krishna Rao, S/o. Sudershan Rao, aged about 46 years, R/o. Chilvakodur Village, Gollapalli Mandal, Jagtial District. (Respondent No.8 is not necessary party to this Writ Petition).

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the interim Orders passed in I. A No. 1 of 2020 in W.P. No.12045 of 2020 dated 05/08/2020 and dismiss the Writ Petition.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file the material papers as Additional Material Papers in WP. No. 12045 of 2020 by receiving the same.

Counsel for the Petitioners: SRI GADDAM SRINIVAS

Counsel for the Respondent Nos. 1 to 4: AGP FOR REVENUE

Counsel for the Respondent No. 5: SRI A. JAGAN

Counsel for the Respondent No.6: SRI C. KUMAR

Counsel for the Respondent Nos. 7&8:------

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.12045 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India is filed by the petitioners, wherein, the following prayer is made:

> **"...to issue any writ or order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.4 incorporating the name of the respondent No.5 in the revenue records by deleting the names of the petitioners without issuing any notice to the petitioners, without giving an opportunity of being heard vide File No.B/2276/2019, dated 15/02/2020 as arbitrary, illegal, in flagrant violation of principles of natural justice without jurisdiction, contrary to the settled principles of law and consequently set aside the order passed by the respondent No.4 vide File No.B/2276/2019, dated 15/2/2020 and pass orders...."**

2. Heard the learned counsel for the petitioners, learned Assistant Government Pleader for Revenue appearing for the respondent Nos.1 to 4, learned counsel for the respondent Nos.5 to 7 and perused the record.

3. It brought to the notice of this Court that respondent No.8 is not a necessary party to this writ petition.

4. Both the learned counsel for the petitioners as well as the learned counsel for the unofficial respondents conceded that there is an order in Writ Petition No.12455 of 2004 dated 11.07.2005. The operative portion of the said order reads as under:

> ***"In the result, the writ petition is allowed setting aside the order of the Joint Collector dated 19.06.2004, and the matter is remitted back to the Joint Collector for fresh hearing. The Joint Collector shall dispose of the appeal uninfluenced by any of the observations made in the writ petition."***

In terms of the above order, the parties were directed to approach the Joint Collector concerned and sought appropriate orders. However, the respondent No.5 herein approached the respondent No.4-Tahsildar and sought permission to incorporate her name in the revenue records and the respondent No.4-Tahsildar passed the impugned order dated 15.02.2020 *vide* File No.B/2276/2019.

5. It is pertinent to state that the impugned order dated 15.02.2020 passed by the respondent No.4-Tahsildar is contrary to the order dated 11.07.2005 passed in W.P.No.12455 of 2004. The respondent No.5 ought to have approached the Joint Collector concerned, as directed in the aforementioned order dated 11.07.2005. Since the impugned order dated 15.02.2020 passed in File No.B/2276/2019 by the respondent No.4-Tahsildar, is not in terms of order dated 11.07.2005 passed in W.P.No.12455 of 2004, the same is unsustainable and liable to be set aside. Accordingly, the impugned order dated 15.02.2020 passed in File No.B/2276/2019 by the respondent No.4-Tahsildar, is set aside. It is left open to the parties to work out the remedies available under law.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/- B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Joint Collector, Medchal Malkajgiri, Medchal Malkajgiri District.
3. The Revenue Divisional Officer, Medchal Malkajgiri Division, Medchal Malkajgiri District.

4. The Thasildar, Shamirpet Mandal, Medchal Malkajgiri District.
5. One CC to Sri. Gaddam Srinivas, Advocate [OPUC]
6. One C.C. to Sri. A. Jagan, Advocate [OPUC]
7. One C.C. to Sri. C. Kumar, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
9. Two C.D. Copies

Prk

HIGH COURT

DATED:21/12/2020



ORDER

WP.No.12045 of 2020

Disposing of the WP.
without costs.

