

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

**MONDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No. 16067 OF 2020

Between:

Chitkoori Komuraiah, S/o. Late Rajaiah, Aged. 52 yrs., Occ. Agriculture,
R/o. Ganneruvaram Village and Mandal, Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Stamps and Registration, Secretariat Building, Hyderabad,
2. The Sub-Registrar, Office of Thimmapur, Karimnagar District
3. The Tahasildar, Ganneruvaram Mandal, Karimnagar District.

...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 a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents Nos. 2 and 3 in trying to register the Petitioner's agriculture land an admeasuring of Ac.4-39 Gts, in Sy No.327/A, situated at Ganneruvaram Village and Mandal, Krimnagar District as illegal, arbitrary, unconstitutional, colorable exercise of power, and in violation of Articles 14, 19, 21 and 300-A of the Constitution of India.

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 direct the respondents No. 2 and 3, not to register the Petitioner's agriculture land admeasuring Ac.4-39 Gts, land in Sy No.327/A, situated at Ganneruvaram Village and Mandal, Karimnagar District, disposal pending of the Writ Petition.

Counsel for the Petitioner: SRI VENKATESHWARLU DASARI

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.16067 of 2020

ORDER:

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

"...to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents Nos.2 and 3 are trying to register the Petitioners agriculture land admeasuring of Ac.4-39 Gts in Sy.No.327/A situated at Ganneruvaram Village and Mandal, Karimnagar District, as illegal, arbitrary, unconstitutional, colorable exercise of power and in violation of Article 14, 19, 21 and 300A of the constitution of India and pass such other orders..."

2. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing for the respondents and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is the owner and possessor of agricultural land admeasuring Ac.4-39gts in Sy.No.327/A situated at Ganneruvaram Village and Mandal, Karimnagar District. It is further submitted that one of the petitioner's villager by name Sri Juvvadi Man Mohan Rao, S/o. Damodar Rao, who belongs to higher caste, is trying to encroach the petitioner's land and make constructions. The petitioner filed a Civil Suit i.e, O.S.No.92 of 2018 before the Junior Civil Judge's Court at Husnabad and the same is pending for adjudication. The petitioner also filed Appeal No.130/2018 before the Revenue Divisional Officer, Karimnagar and the same is pending. Further, the petitioner also filed a petition before the Telangana State Commission for SCs & STs, Hyderabad, against the Juvvadi Man Mohan Rao and others and the same is also pending for adjudication. At present, the said J.Man Mohan Rao is encouraging some people to sell the petitioner's land at

cheaper rate. It is contended that in the event of presenting any document for registration in respect of subject land by any of the persons, the petitioner wanted this Court to direct the respondents not to register those documents and ultimately prayed to allow the writ petition as sought for.

4. On the other hand, learned Assistant Government Pleader for Revenue would submit that the petitioner has not filed any document to establish his title and possession over the subject land. It is further submitted that factual matrix are involved in this case and the same cannot be adverted to in this petition filed under Article 226 of the Constitution of India and ultimately prayed to dismiss the writ petition.

5. The petitioner is claiming ownership and possession over the agricultural land admeasuring Ac.4-39gts in Sy.No.327/A situated at Ganneruvaram Village and Mandal, Karimnagar District and apprehending alienation by Juvvadi Man Mohan Rao and some of his associates. It is appropriate to state that the questions with regard to title, possession and enjoyment of the petitioner over the land in question are in the dominion of Civil Court, where documents are required to be examined and evidence is required to be recorded. Thereafter a finding is required to be given whether the petitioner is having title over the land in question. These aspects cannot be adverted to/answered by this Court exercising the power of judicial review under Article 226 of the Constitution of India. It is settled law that if, in a petition filed under Article 226 of the Constitution of India, complicated questions of fact which require a regular and full-fledged trial are involved, it is but prudent that the Court should

refrain itself from entertaining such petition and relegate the party to the normal remedy to obtain redress in a suit. In the given circumstances of the instant case, the petitioner is not entitled for the relief sought by him in this Writ Petition. However, the petitioner is granted liberty to work out the remedies available to him under law before the competent civil Court.

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

Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Department of Stamps and Registration, State of Telangana, Secretariat Building, Hyderabad.
2. The Sub-Registrar, Office of Thimmapur, Karimnagar District
3. The Tahasildar, Ganneruvaram Mandal, Karimnagar District.
4. One CC to Sri. Venkateshwarlu Dasari, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
6. Two CD Copies

Prk



HIGH COURT

DATED:28/09/2020

ORDER

WP.No.16067 of 2020



Disposing of the WP.
without costs.

⑧ VW
9/10/20