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

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

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 23325 OF 2020

Between:

Smt Meghavath Saritha, W/o Meghavath Rayamal D/o Sapavath Jeeva, aged about 32 years, Occ. Housewife, R/o H.No. 4-101/17/2, Turkayamjal, Sri Ram Nagar Colony, Hayathnagar Mandal, RR District

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Hyderabad.
2. The Tahsildar, Yacharam Mandal, RR District Telangana
3. Sapavath Jeeva, S/o Late Sapavath Ramji, aged about 53 years, Occ. Auto Driver, and Agriculture, R/o Plot No.126, Injapur Village, Abullahpurmet Mandal, RR District.
4. Sapavath Panthu, S/o Sapavath Seetha, aged about 55 years, Occ. Agriculture
5. Sapavath Thavu, S/o Sapavath Seetha, aged about 45 years, Occ. Agriculture, R/o Manthon Goud Village, Yacharam Mandal, RR District.
6. Sapavath Padma, W/o Late Sapavath Shankar, aged about 33 years, Occ. Labourer, R/o Plot No.149,Sureshnagar Colony, Turkayamjal,RR 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 Writ of Mandamus declaring the action of the Respondent No.2 seeking this Honble Court orders to stop undertaking sale registrations in Sy. No. 98, 99 situated at Manthon Goud Village, Yacharam Mandal, RR District, State of Telangana. Under the new Revenue Act 2020, besides pendency of the Civil Suit vide OS No.96/2020, dated 12.03.2020, on the file of Jr. Civil Judge at Ibrahimpatnam, RR District, for suit for partition and separate possession and permanent injunction and for declaration to declare that the Registered Sale Deed bearing Document Nos. 472/2005 and 472/2005 dated 03.02.2005 are null and void not binding on the plaintiff i.e., Petitioner herein is illegal, arbitrary, voilative principles natural justice and against the Article 14, 16, 19, 21 and 300(A) Constitution of India and consequently direct the respondent No.2 stop any kind of registrations over the suit schedule properties until the adjudication before the Hon'ble Court vide OS No. 96/2020 dated 12.03.2020 on the file of the Jr. Civil Judge, RR District, State of Telangana.

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 respondent No.2 to maintain the status quo until dispose of the pending civil suit vide OS No. 96/2020 dated 12.03.2020 on the file of the Jr. Civil Judge, RR District, State of Telangana.

Counsel for the Petitioner:SRI. J. RAGHURAM
Counsel for the Respondent Nos. 1 & 2: AGP FOR REVENUE
Counsel for the Respondent Nos. 3 to 6:
The Court made the following:

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.23325 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 Writ of Mandamus declaring the action of the Respondent No.2 seeking this Hon'ble Court orders to stop undertaking sale registrations in Sy.No.98, 99 situated at Manthon Goud Village, Yacharam Mandal, R.R.District, State of Telangana, under the new Revenue Act, 2020 besides pendency of the Civil Suit vide O.S.No.96/2020 dated 12.03.2020 on the file of Jr. Civil Judge at Ibrahimpatnam, R.R.District for suit for partition and separate possession and permanent injunction and for declaration to declare that the Registered Sale Deed bearing Document Nos.472/2005 and 473/2005 dated 03.02.2005 are null and void not binding on the plaintiff i.e Petitioner herein is illegal, arbitrary, voilative principles of natural justice and against the Article 14, 16, 19, 21 and 300-A Constitution of India and consequently direct the respondent No.2 stop any kind of registrations over the suit schedule properties until the adjudication before the Hon'ble Court vide O.S.No.96/2020 dated 12.03.2020 on the file of Jr.Civil Judge, R.R.District, State of Telangana and pass such other order or orders..."**

2. Heard the arguments of learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 and 2 and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner herein has filed a suit in O.S.No.96 of 2020 on the file of Junior Civil Judge, at Ibrahimpatnam, against the unofficial respondents herein, seeking partition and separate possession and for permanent injunction and also to declare that the registered sale deeds bearing document Nos.472/2005 and 473/2005 dated 03.02.2005 as null and void and not binding on the plaintiff i.e, petitioner herein. However, during the pendency of the said suit, the unofficial respondents, without having any

manner of right, title or interest are trying to alienate the subject lands. Therefore, the petitioners prays this Court to direct the respondent No.2 not to undertake any kind of registrations in respect of lands in Sy.Nos.98 and 99 situated at Manthan Goud Village, Yacharam Mandal, Ranga Reddy District, till disposal of the said suit and ultimately prayed to allow the Writ Petition as prayed for.

4. Admittedly, the suit in O.S.No.96 of 2020 filed by the petitioner is pending on the file of Junior Civil Judge, at Ibrahimpatnam. In the given circumstances of the case, the petitioner has to obtain prohibitory order in the said suit i.e, restraining the unofficial respondents from alienating the suit schedule lands. The relief sought by the petitioner cannot be adjudicated/answered in this petition filed under Article 226 of Constitution of India. Therefore, the writ petition is devoid of merits and is liable to be dismissed. However, the petitioner is entitled to work out the remedies available under law.

5. With the above observations, this Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. J. Raghuram, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
3. Two CD Copies.

PM

HIGH COURT

DATED:28/12/2020



ORDER

WP.No.23325 of 2020

Dismissing the WP
Without costs.

8/1/2021