

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT APPEAL NO: 586 OF 2019

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 05-11-2018 in Writ Petition No. 39750 of 2018 on the file of the High Court.

Between:

1. Bathula Ashok Reddy, S/o. Veera Reddy, aged 26 years, Occ. Pvt. Employee, R/o. Ayyagaripalli Street, Kamalapuram Village, Mudigonda Mandal, Khammam District.
2. Bathula Laxmi Prasanna, D/o. Veera Reddy, aged 23 years, Occ: NIL, R/o. Ayyagaripalli Street, Kamalapuram Village, Mudigonda Mandal, Khammam District.

...APPELLANTS

AND

1. Bandla Venkata Rao, S/o. Nagaiah, aged 40 years, Occ: Government Employee, R/o. Banapuram Village, Mudigonda Mandal, Khammam District.
2. Vunnam Prameela, W/o. Purnachandra Rao, aged 38 years, Occ: Housewife, R/o. Banapuram Village, Mudigonda Mandal, Khammam District.
3. The State of Telangana, Rep. by Secretary, Revenue Department, Secretariat Buildings, Hyderabad.
4. The District Collector, Khammam District, Khammam.
5. The Revenue Divisional Officer, Khammam.
6. The Tahsildar, Mudigonda Mandal, Mudigonda, Khammam District.

...RESPONDENTS

IA NO: 2 OF 2019

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 condone delay of (216) days in filing the writ appeal.

IA NO: 4 OF 2019

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 dated 05.11.2018 in W.P. No. 39750 of 2018, pending disposal of Writ Appeal.

Counsel for the Appellant: SRI VIVEK JAIN

Counsel for the Respondent Nos. 1 & 2: SRI N. V. ANANTHA KRISHNA

Counsel for the Respondent Nos.3 to 6: GP FOR REVENUE

The Court made the following: JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND**

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.586 of 2019

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The appellants before this Court has filed the present writ appeal stating that a writ petition was preferred by respondent Nos.1 and 2 before the learned Single Judge in respect of agricultural land and the learned Single Judge has passed an order to process the claim of the writ petitioners for grant of pattadar passbook.

The appellants' grievance is that they are necessary parties, as there is a civil dispute pending between the parties i.e., O.S.No.202 of 2018 and therefore, in all fairness, they should have been impleaded as respondents in the writ petition.

The factum of pending a civil suit has not been denied by the learned counsel appearing for the writ petitioners/respondents in the writ appeal.

In the light of the aforesaid, as a civil dispute is pending between the parties, in all fairness, the respondents/writ petitioners should have been impleaded by the appellants in the writ petition.

Resultantly, without averting to the merits of the case, the writ appeal is allowed, setting aside the impugned order passed by the learned Single Judge.

Office is directed to list the writ petition before the learned Single Judge on 14.03.2022. The appellants before this Court shall be free to file an appropriate application for their impleadment and the learned Single Judge, after hearing the appellants also, shall be free to pass appropriate order in accordance with law.

Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

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SD/-K.SRINIVASA RAO
JOINT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The District Collector, Khammam District, Khammam.
3. The Revenue Divisional Officer, Khammam.
4. The Tahsildar, Mudigonda Mandal, Mudigonda, Khammam District.
5. One CC to SRI VIVEK JAIN, Advocate [OPUC]
6. One CC to SRI N. V. ANANTHA KRISHNA, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
8. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana at Hyderabad.
9. The Section Officer, Writ Posting Section, High Court for the State of Telangana at Hyderabad.
10. Two CD Copies.
11. One Spare Copy.

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URGENT

HIGH COURT

DATED:23/02/2022



**LIST THE WRIT PETITION NO.39750 OF 2018
ON 14.03.2022**

JUDGMENT

WA.No.586 of 2019

**ALLOWING THE WRIT APPEAL
WITHOUT COSTS.**

AK
04/03
(13)