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

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

WRIT PETITION NO: 13442 OF 2010

Between:

K.Laxma Reddy, S/o K. Narayan Reddy, aged about 40 years, Occ: Business, R/o 11-47, Chandupatlaguda Village, NFC Nagar Gatkesar Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The Joint Collector-I, Ranga Reddy District, R/o Lakdikapool Hyderabad
2. Shourya Investments & Finance Pvt. Ltd., Rep. by T. Virupaksha S/o Ramaiah Gupta Reg. Office at 1-8, Saroornagar , Hyderabad
3. Maddi Mallamma, W/o Late Buchaiah, aged about 64 years, Occ: Household R/o 4-55, Venikirayakla, Gatkesar Mandal, Ranga Reddy District.
4. Maddi Ramanjaneyulu, S/o Late Buchaiah, aged about 47 years, R/o 4-58, Venikirayakla, Gatkesar Mandal, Ranga Reddy District.
5. Maddi Sailu, S/o Late Buchaiah, aged about 43 years, R/o 4-58, Venikirayakla, Gatkesar Mandal, Ranga Reddy 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 an appropriate writ order or direction one more particularly in the nature of writ of Mandamus a) declaring the proceedings initiated by the 1st respondent and the common order dt. 9-3-2010 in file Nos. F2/5479/2007 , F2/2657/2008 and F2/2658/2008 as arbitrary, illegal and violative of principles of natural justice and set aside the same.

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 initiate proceedings under Section 340 of Cr.P.C.

I.A. NO: 1 OF 2010(WPMP. NO: 16946 OF 2010)

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 common order dt. 9-3-2010 in file Nos. F2/5479/2007, F2/2657/2008 and F2/2658/2008 of the 1st respondent and consequentially direct the 2nd respondent or his agents not to interfere with the petitioners peaceful possession and enjoyment of the property and extent of Acres 12.23 gts in Sy.No. 211 situated at Madaram Village, Ankushapur Grampanchayat, Gatkesar Mandal, R.R. District.

IA NO: 1 OF 2022

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 implead the petitioner to the main W.P.No. 13442 of 2010 as respondent nos. 6 to 10.

I.A. NO: 1 OF 2014(WVMP. NO: 888 OF 2014)

Between:

Shourya Investments & Finance Pvt. Ltd., Rep. by T. Virupaksha S/o Ramaiah Gupta Reg. Office at 1-8, Saroornagar , Hyderabad

...PETITIONER(2nd Respondent)

AND

1. K.Laxma Reddy, S/o K. Narayan Reddy, aged about 40 years, Occ: Business, R/o 11-47, Chandupatlaguda Village, NFC Nagar Gatkesar Mandal, Ranga Reddy District.

...RESPONDENT/(WRIT PETITIONER)

2. The Joint Collector-I, Ranga Reddy District, R/o Lakdikapool Hyderabad

3. Maddi Mallamma, W/o Late Buchaiah, aged about 64 years, Occ: Household R/o 4-55, Venikirayakla, Gatkesar Mandal, Ranga Reddy District.
4. Maddi Ramanjaneyulu, S/o Late Buchaiah, aged about 47 years, R/o 4-58, Venikirayakla, Gatkesar Mandal, Ranga Reddy District.
5. Maddi Sailu, S/o Late Buchaiah, aged about 43 years, R/o 4-58, Venikirayakla, Gatkesar Mandal, Ranga Reddy District.

(Respondents 3to5 are not necessary)

...RESPONDENTS/RESPONDENTS 1,3TO5

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 stay granted on 19th day of July 2010 passed in W.P.M.P No.16946 of 2010 in W.P No. 13442 of 2010.

Counsel for the Petitioner: SRI D.RAMAKRISHNA

Counsel for the Respondent No.1 : GP FOR REVENUE

Counsel for the Respondent No.2 : SRI K.V. SUDHAKAR

Counsel for the Respondent No.3 to 5 : --

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE SAMBASIVA RAO NAIDU

WP.NO.13442 OF 2010

JUDGMENT:

This Writ Petition has been filed by the petitioner against the Joint Collector (R1), M/s.Shourya Investments & Finance Pvt. Ltd., (R2), and three private individuals with a prayer to issue an appropriate Writ, Order or Direction, more particularly in the nature of Writ of Mandamus declaring the proceedings initiated by the first respondent and the common order dated 09-03-2020 in File Nos.F2/5479/2007, F2/2657/2008 and F2/2658/2008 as arbitrary, illegal and violative of principles of natural justice, thereby, set aside the said order.

2. As per the affidavit filed by the petitioner along with the Writ petition, the following was his case:

The petitioner has got acquaintance with the facts of the case. He has filed the Writ Petition being aggrieved by the common order dated 09-03-2010 in the above referred three different appeals. The petitioner has claimed that property to an extent of Ac.12-23 gts in Sy.No.211 at Maddaram Village originally belongs to one P.Raja Lingam, and one Maddi Sailu

the father-in-law of respondent No.3 namely Maddi Mallamma and grand-father of respondent Nos.4 and 5 was the protected tenant in respect of the above property. After the death of Maddi Sailu, his son Buchaiah inherited the property and as contemplated under the provisions of A.P. (T.A.) Tenancy and Agricultural Land Act, 1950, the said Buchaiah was issued ownership certificate under Section 38-E after following due procedure vide proceedings in File No.B/402/1975 dated 26-06-1975. The said Buchaiah was in possession and enjoyment of the property. However, in spite of issuance of certificate, his name was incorporated in the Revenue Records as pattedar and possessor during his life time. Since the said Buchaiah and respondents No.3 to 5 were illiterates, they were not aware that their names were not incorporated in the Revenue Records but their possession over the property was not disturbed. The petitioner further claimed that after the death of Maddi Sailu and Maddi Buchaiah, Respondents No.3 to 5 were in possession and enjoyment of the property but in the year 2005, they were illegally and forcibly dispossessed by the sons of the original pattedar without following any due process of law.

3. Therefore, respondents No.3 to 5 approached the Tahasildar, Ghatkesar and filed an application under Section 32 of A.P. (T.A.) Tenancy and Agricultural Land Act, 1950 seeking restoration of their possession on the property and Tahsildar after following due process of law and having issued notices to all concerned conducted enquiry and allowed the application of respondents No.3 and 4 by order dated 24-05-2007 in File No.B1/431/2006.

4. In pursuance of the said order, the Revenue Inspector, Ghatkesar conducted a panchanama on 27-06-2007 and delivered the property in favour of respondents No.3 to 5. Respondents No.3 and 4 have obtained title deeds and pattedar pass-books and their names were mutated in the Revenue Records. The petitioner has further claimed that subsequent to the above proceedings and delivery of possession, mutation of their names in the Revenue Records, they have executed an agreement of sale cum GPA with possession in favour of the petitioner vide a registered document bearing No.1804/2008 and sold the property to an extent of Ac.12-23 gts for a valuable consideration of Rs.94,31,500/- which was paid to respondents No.3 to 5. The petitioner has claimed that in pursuance of the said GPA and

in view of the sale, he was put in possession of the property with all absolute rights. The Writ petitioner has thereafter developed the property having spent huge amounts.

5. The petitioner further averred that subsequently, he came to know that respondent No.2 while concealing the true facts and having knowledge about the purchase of the property by the Writ petitioner, filed appeal under Section 90 of the Act, 1950 and questioned the orders of Tahsildar in File No.B1/431/2006 vide case No.F2/5479/2007 and filed two more appeals questioning the panchanama conducted by Revenue Inspector and orders of Tahsildar dated 24-05-2007.

6. The petitioner has claimed that the second respondent has got knowledge about the purchase of the property by the Writ petitioner but he was not shown as a party in the appeals. The petitioner had no notice of the above referred appeals but the first respondent disposed all the three appeals under a common order dated 09-03-2010 and set aside the order of Tahsildar dated 24-05-2007, panchanama dated 27-06-2007 and 38-E certificate issued in favour of Buchaiah.

7. The petitioner has claimed that the common order dated 09-03-2010 is arbitrary, illegal and contrary to the

provisions of the Act, 1950, thereby, it is liable to be quashed. It is also claimed that the second respondent has got knowledge about the ownership and possession of the petitioner and that he has already filed a suit in OS.No.548 of 2008 on the file of II Addl. Senior Civil Judge, Ranga Reddy, thereby, prayed for setting aside the common order dated 09-03-2010.

8. There was no representation on behalf of the petitioner as none appeared on his behalf. The learned counsel for the respondent i.e., "M/s. Shourya Investments & Finance Pvt. Ltd.' opposed the petition on the ground that the respondent is in possession of the property since a long time and there was no such panchanama, no delivery of property to the said respondents and alleged sale cum GPA was only a paper transaction.

POINT :

9. The petitioner herein has filed the Writ Petition mainly on the ground that subsequent to the proceedings of Tahsildar, Ghatkesar dated 24-05-2007, there was an agreement between himself and respondents No.3 to 5 and having paid a substantial amount of Rs.94,31,500/-, he was put in physical possession of the property with absolute right

but in view of the order dated 09-03-2010 in three separate appeals preferred by second respondent herein, the orders obtained by respondents No.3, 4 were set aside. The common order dated 09-03-2010 is arbitrary, illegal and contrary to the provisions of the Act, 1950, thereby, sought for setting aside the order. A part from the present Writ petition, there are three separate revision petitions filed by respondents No.3 and 4 vide C.R.P.No.5490, 5491, 5492 of 2015 were also heard and disposed by a common order, where under, the petition filed by the revision petitioners i.e., respondents No.3 and 4 herein are dismissed. The order dated 24-05-2007 by Tahsildar, Ghatkesar was already set aside by the Joint Collector, Ranga Reddy under the above referred common judgment in the appeal preferred by second respondent herein. Therefore, the Writ Petition filed by the petitioner which is mainly based on the proceedings dated 24-05-2007 cannot give any right to the Writ Petitioner.

10. The Joint Collector, Ranga Reddy while disposing the appeals preferred by the second respondent, recorded a categorical finding that the second respondent has purchased the property after verifying the Revenue Record and after satisfying that no protected tenant over the above referred

land. Therefore, the issuance of certificate under Section 38-E is also liable to be set aside. The order dated 09-03-2010, the Joint Collector has cancelled the pattedar pass-book and set aside the alleged panchanama by which respondents No.3 and 4 herein said to have been put in possession of the property were also set aside. Therefore, the Writ Petitioner who is claiming right through an agreement of sale cum GPA dated 27-03-2008 cannot acquire any right over the property. The contention of the Writ Petitioner that he has spent the amount for the development of the property cannot be accepted because the second respondent herein having purchased the property in 1972 is in possession for more than 30 years. Therefore, simply because there was a proceeding said to have been conducted by Revenue Inspector on 27-06-2007 and delivered the property in favour of respondents No.3, 4 and that respondents No.3 and 4 have delivered the property to the Writ Petitioner cannot be accepted to be true. The alleged agreement of sale cum GPA said to have been executed by respondents No.3, 4 in favour of the Writ Petitioner is only a nominal document without any right in their favour. In view of the orders dated 09-03-2010 which were confirmed by this Court in the above referred

three revision petitions, the Writ Petitioner is not entitled to any relief, thereby, the Writ Petition is liable to be dismissed.

11. In the result, the Writ Petition is dismissed.

Consequently, Miscellaneous applications if any, are closed. No costs.

SD/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Joint Collector-I, Ranga Reddy District, R/o Lakdikapool Hyderabad
2. One CC to SRI D.RAMAKRISHNA, Advocate. [OPUC]
3. Two CCs to GP FOR REVENUE,High Court for the State of Telangana. [OUT]
4. One CC to SRI K.V. Sudhakar, Advocate. [OPUC]
5. Two CD Copies

BSK
GJP

HIGH COURT

DATED:21/02/2024

ORDER

WP.No.13442 of 2010



DISMISSING THE WRIT PETITION
WITHOUT COSTS

(8)
23/4/24
DR