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

MONDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 9588 OF 2023

Between:

1. TELUGU @ MANCHALA RADHAMMA, W/o Late Telugu Narayana, Aged about 80 years, Occ. Agriculture, R/o H.No.1-31, Bodajanampeta Village, Balanagar Mandal, Mahaboobriagar District.
2. TELUGU @ MANCHALA SATHAIAH, S/o Late Telugu Narayana, Aged about 60 years, Occ. Agriculture, R/o H.No.1-22, Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
3. TELUGU @ MANCHALA ANJANEYULU, S/o Late Telugu Narayana, Aged about 52 years,. Occ. Agriculture, R/o H.No.1-31, Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
4. TELUGU @ MANCHALA KRISHNAIAH, S/o Late Telugu Narayana, Aged about 46 years, Occ. Agriculture, R/o H.No.1-31, Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.

...PETITIONERS

AND

1. THE STATE OF TELANGANA, Rep by its Principal Secretary. Department of Revenue, Secretariat, Hyderabad.
2. THE DISTRICT COLLECTOR, Mahaboobnagar District, At. Mahaboobnagar District.
3. THE REVENUE DIVISIONAL OFFICER, Mahaboobnagar Division, Mahaboobnagar District.
4. THE TAHSILDAR, Balanagar Mandal, Mahaboobnagar District.
5. P.VENKAT SURYA RAO, S/o P.Rajeshwar Rao, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
6. P.RAMCHANDER RAO, S/o P.Rajeshwar Rao, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
7. P.KISHAN RAO, S/o P.Rajeshwar Rao, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
8. P.MADAN MOHAN RAO, S/o P.Rajeshwar Rao, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.

9. GUDISE NARSIMULU, S/o Late Jangaiah, Aged about 60 years, Occ. Agriculture, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar 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 of Mandamus or any other appropriate writ or writs, order or orders, declaring the high-handed and illegal action of the Respondents more particularly the Respondent No.4 in not considering the Application filed under Section 35 of Telangana Tenancy and Agriculture Act, 1950 submitted by the Petitioners to issue Occupancy Certificate by declaring them as Protected Tenants in respect of land admeasuring Ac.34.05 Gts in Sy.Nos.111, 112, 113, 114, 115 and 134, situated at Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District apart from submitting the application under Section 32 (1) of the Telangana Tenancy and Agriculture Act, 1950 seeking to take the possession as it being illegal, arbitrary, unconstitutional and in violation of principles of natural justice and also in violation of procedure laid down under Law and consequently direct the Respondents to issue Occupancy Certificate by declaring the Petitioners as Protected Tenants over the above said property.

IA NO: 1 OF 2023

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 not to dispossess the Petitioners from the Subject Property i.e., land admeasuring Ac.34.05 Gts in Sy.Nos.111, 112, 113, 114, 115 and 134, situated at Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar

District while interfering with their peaceful possession pending disposal of the application before the Respondent No.4.

IA NO: 1 OF 2024

Between:

1. P.Venkat Surya Rao, S/o P.Rajeshwar Rao, aged about 94 years, Occ: Agriculture, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
2. P.Ramchander Rao, S/o P.Rajeshwar Rao, aged about 73 years, Occ: Agriculture, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
3. P.Kishan Rao, S/o P.Rajeshwar Rao, aged about 70 years, Occ: Agriculture, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
4. P.Madan Mohan Rao, S/o P.Rajeshwar Rao, aged about 68 years, Occ: Agriculture, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.

...PETITIONERS

AND

1. Telugu @ Manchala Radhamma, W/o Late Telugu Narayana, Aged about 80 years, Occ. Agriculture, R/o H.No.1-31, Bodajanampeta Village, Balanagar Mandal, Mahaboobriagar District.
2. Telugu @ Manchala Sathaiah, S/o Late Telugu Narayana, Aged about 60 years, Occ. Agriculture, R/o H.No.1-22, Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
3. Telugu @ Manchala Anjaneyulu, S/o Late Telugu Narayana, Aged about 52 years,. Occ. Agriculture, R/o H.No.1-31, Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
4. Telugu @ Manchala Krishnaiah, S/o Late Telugu Narayana, Aged about 46 years, Occ. Agriculture, R/o H.No.1-31, Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.
5. The State Of Telangana, Rep by its Principal Secretary. Department of Revenue, Secretariat, Hyderabad.
6. The District Collector, Mahaboobnagar District, At. Mahaboobnagar District.
7. The Revenue Divisional Officer, Mahaboobnagar Division, Mahaboobnagar District.
8. The Tahsildar, Balanagar Mandal, Mahaboobnagar District.
9. Gudise Narsimulu, S/o Late Jangaiah, Aged about 60 years, Occ. Agriculture, R/o Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District.

...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 order dated 10.04.2023 passed in W.P. No. 9588/2023 pending disposal of main writ petition.

Counsel for the Petitioner No.1: SRI G.RAJESHWAR REDDY

Counsel for the Petitioner No.2 to 4: SRI P.GIRI KRISHNA

Counsel for the Respondent No.1 to 4: AGP FOR REVENUE

Counsel for the Respondent No.5 to 8: SRI M.DAMODAR REDDY

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.9588 of 2023

ORDER:

It is stated that the petitioners are the protected tenants over the lands admeasuring Ac.34.05 gts., in Sy.Nos.111, 112, 113, 114, 115 and 134, situated at Bodajanampeta Village, Balanagar Mandal, Mahaboobnagar District. It is further stated that originally, the name of their father, late Telugu @ Manchala Narayana, was recorded in the pahani patrikas from 1973-74. According to the petitioners, they are entitled for issuance of Occupancy Certificate as per the provisions of the Telangana Tenancy and Agricultural Lands Act, 1950 (for short, 'Act, 1950') and Rules made thereunder and also consequential delivery of the possession by the Tahsildar and also recovery of the possession from the pattadars or the persons who are in occupation of the subject property under Section 32 of the Act, 1950. It is also their case that they have submitted an application on the file of the respondents for delivery of the possession as well as issuance of Occupancy Certificate and the said application has not been considered by the respondents so far.

2. Sri Damodar Reddy, learned counsel appearing for respondent Nos.5 to 8 has vehemently contended that the

petitioners are entitled to make an application as per Section 35 of the Act, 1950, within one year from the date of the Act in force, however, neither the petitioners nor their father filed any application before the competent authority under the provisions of the Act, 1950 either for issuance of Occupancy Certificate or for delivery of the possession.

3. Considered the submissions of the learned counsel for the respective parties and perused the record.

4. The issues with regard to whether the petitioners are the protected tenants of the subject lands and whether they are entitled for issuance of Occupancy Certificate or not are required to be examined by the competent authority duly taking into consideration of the protected tenancy register and other documents. This Court, without expressing any opinion on the merits of the matter, deems it appropriate to direct the respondents to examine the representation submitted by the petitioners and pass a reasoned order after issuing notice to all the persons who are interested/affected by granting of Occupancy Certificate in favour of the petitioners. The said exercise shall be completed within a period of six (06) months from the date of receipt of a copy of this order.

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

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary. Department of Revenue, Secretariat, Hyderabad, State Of Telangana.
2. The District Collector, Mahaboobnagar District, At. Mahaboobnagar District.
3. The Revenue Divisional Officer, Mahaboobnagar Division, Mahaboobnagar District.
4. The Tahsildar, Balanagar Mandal, Mahaboobnagar District.
5. One CC to SRI G.RAJESHWAR REDDY, Advocate [OPUC]
6. One CC to SRI P.GIRI KRISHNA, Advocate [OPUC]
7. One CC to SRI M.DAMODAR REDDY, Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR
BS

HIGH COURT

DATED: 16/12/2024



ORDER

WP.No.9588 of 2023

DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

(12)

9/1/25