

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

FRIDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NO: 12993 OF 2024

Between:

Dharawat Nageswara Rao, S/o Pantulu, Aged about 51 Years, Occ. Agriculture, R/o Bojja Gudem Thanda Village, Ananthagiri Mandal, Suryapet District.

...PETITIONER

AND

1. The State of Telangana, Revenue Department, Secretariat Building, Hyderabad - 500 022. Represented by its Principal Secretary.
2. The District Collector, Suryapet District, Suryapet - 508 213, Telangana State.
3. The Revenue Divisional Officer, Kodad Revenue Division, Kodad, Suryapet District - 508 206, T.S.
4. The Tahsildar, Ananthagiri Mandal, Ananthagiri - 508 206, Suryapet District, Telangana State.

...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 particularly a Writ of Mandamus declaring the action of respondent No. 3 which are signed by respondent No. 4 in rejecting the applications of the petitioner vide Nos. C12300035352 and C12300035356 by remarks dated. 06/04/2024 stating that there is no clear direction to unblock petitioners lands i.e., land in Sy. No. 738/AA2 to an extent of land is Ac. 1-18 Guntas and land in Survey No. 739/A2 to an extent of land is Ac. 1-37 Guntas in Ahanthagiri Revenue Village and Mandal, Suryapet District as arbitrary, illegal and set the same aside and consequently direct the respondents to remove the lands in Sy. No. 738/AA2 to an extent of land is Ac. 1-18 Guntas and land in Survey No. 739/A2 to an extent of land is Ac. 1-37 Guntas in Ahanthagiri Revenue Village and Mandal, Suryapet District of the petitioner from the prohibition list forthwith since the Court Case in EP No 8 of 2017 was terminated as compromised in the interests of justice

IA NO: 1 OF 2024

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 to remove the lands in Sy. No. 738/AA2 to an extent of land is Ac. 1-18 Guntas and land in Survey No. 739/A2 to an extent of land is Ac. 1-37 Guntas in Ahanthagiri Revenue Village and Mandal, Suryapet District of the petitioner from the prohibition list forthwith pending disposal of the above writ petition

Counsel for the Petitioner: SRI T. P. ACHARYA

**Counsel for Respondents: SRI SOMU SRINIVAS,
AGP FOR REVENUE**

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.12993 of 2024

ORDER:

Heard Sri T.P.Acharya, learned counsel appearing for the petitioner and Sri Somu Srinivas Reddy, learned Assistant Government Pleader for Revenue appearing for respondents. Perused the record.

2. The case of the petitioner is that one Mr.Kamatham Pullaiah, S/o.Narayana, has filed a suit vide O.S.No.1 of 2016 on the file of Senior Civil Judge, Huzurnagar, against the petitioner and his father seeking specific performance of the Agreement of Sale dated 05.03.2013. The said suit was decreed on 15.09.2016. Thereafter, the said Mr.Kamatham Pullaiah, has filed an Execution Petition vide E.P.No.8 of 2017 on the file of Senior Civil Judge, Huzurnagar. During the pendency of the said execution petition, the plaintiff and the defendant therein have entered into compromise and the matter was settled. In proof of the same, he has filed copy of the docket order dated 10.07.2023 in E.P.No.8 of 2017 and withdrawal

of the memo filed by decree holder/plaintiff. The said property is mentioned in the prohibited list. Thereafter, the petitioner herein has submitted online application with I.D.No.C12300035356 to delete the said property from prohibited list. The said online application was rejected by the 2nd respondent on the ground that there is no clear direction in the said order to delete the said property from the prohibited list.

3. The said rejection order is not on consideration of the aforesaid aspects. The parties have settled the claims in E.P.No.8 of 2017 and the docket order dated 10.07.2023 reveals the said fact.

4. Without considering the said aspects, the 2nd respondent rejected the said online application submitted by the petitioner. The said rejection is not on sound/proper reasons and it is not on consideration of the aforesaid aspects more particularly compromise entered between the petitioner, his father and plaintiff therein.

5. In light of the same, the said rejection order is set aside and the matter is remanded back to the 2nd respondent with a direction to consider the aforesaid online application bearing I.D.No.C12300035356 and pass appropriate orders strictly in accordance with law by putting the petitioner on notice and affording an opportunity. If respondent No.2 is not inclined to accept the request of the petitioner, he shall assign specific reasons, pass a reasoned order and shall communicate copy of the said order to the petitioner. He shall complete the aforesaid entire exercise within a period of eight (08) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

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

//TRUE COPY//

SECTION OFFICER

To,

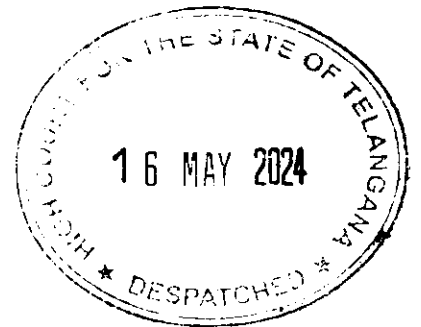
1. The District Collector, Suryapet District, Suryapet - 508 213, Telangana State.
2. The Revenue Divisional Officer, Kodad Revenue Division, Kodad, Suryapet District - 508 206, T.S.
3. The Tahsildar, Ananthagiri Mandal, Ananthagiri - 508 206, Suryapet District, Telangana State.
4. One CC to Sri T P Acharya Advocate [OPUC]
5. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
6. Two CD Copies

MBC

LS *LS*

HIGH COURT

DATED: 03/05/2024



ORDER

WP.No.12993 of 2024

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

9 copies
192
16/5/24