HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL NO: 376 OF 2023

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated 23-01-2020 Passed in W P No 41317 of 2014 on the file of the High Court.

Between:

Tagaram Nagaiah, , S/o Peraiah, Aged about 91 years, Occ. Cultivation, R/o Peraigudem Village, Aswaraopet Mandal, Khammam District.

...APPELLANT

AND

1. The Tahsildar, , Aswaraopet Mandal, Khammam District.
2. The Revenue Divisional Officer, , Palvancha, Khammam District.
3. The District Collector, , Khammam District.
4. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Saifabad, Hyderabad.
5. The State of Telangana, , Rep. by its Principal Secretary, Agriculture Department, Secretariat Buildings, Hyderabad.
6. The Commissioner and Director of Marketing, 1st Floor, B.R.K. Bhavan, Tank Bund Road, Hyderabad
7. The Agricultural Market Committee, , Dammapeta Market Yard, Dammapeta Mandal, Khammam District Rep. by its Secretary
8. The Telangana Irrigation Development Corporation, , D. No.8-2-674/2/B, Near Ranga Reddy District Collector Office, Road No.3, Bnajara Hills, Hyderabad - 500034 Rep. by its Vice-Chairman and Managing Director
9. The Circle Inspector of Police, , Aswaraopet Police Station, Aswaraopet Mandal, Khammam District.
10. The Sub-Inspector of Police, , Aswaraopet Police Station, Aswaraopet Mandal, Khammam District.
11. Sunnam Nagamani, , W/o Not known to the petitioner Chairman of Dammapeta Agriculture Market Committe Dammapeta Mandal, Khammam District.

...RESPONDENTS

IA NO: 3 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 7th respondent not to proceed with the construction in respect of land admeasuring Ac.2.00 cents in Sy.No.1228/139, out of the total land to an extent

of Ac.5-00 gts., situated at Peraigudem Village and Aswaropet Mandal, Khammam District, pending disposal of the main writ appeal

IA NO: 4 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 1 to 10 not to dispossess the petitioner from the land to an extent of Ac.2.00 cents in Sy.No,1228/139, out of the total land to an extent of Ac.5-00 gts., situated at Peraigudem Village and Aswaropet Mandal, Khammam District by suspending the operation of the Judgment.

Counsel for the Appellant: SRI BALA MURALI Y

Counsel for Respondent Nos. 1 to 4: SRI T. SRIKANTH REDDY, GP FOR REVENUE

Counsel for Respondent Nos. 5 & 6: SRI BANDARI SHANKAR, AGP FOR AGRICULTURE

Counsel for Respondent No. 7: SMT. G. NEERAJA REDDY

Counsel for Respondent No. 8: SRI B. SHIV KUMAR

Counsel for Respondent Nos. 9 & 10: SRI M. ROOPENDER, GP FOR HOME

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

Writ Appeal No.376 of 2023

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Y.Bala Murali, learned counsel for the appellant; Mr. T.Srikanth Reddy, learned Government Pleader for Revenue represents respondents No.1 to 4; Mr. Bandari Shankar, learned Assistant Government Pleader for Agriculture represents respondent No.5; Mr. M. Roopender, learned Government Pleader for Home represents respondent No.9 and 10.

2. This intra court appeal is filed against order dated 23.01.2020, passed by a learned Single Judge, by which writ petition preferred by the appellant *viz*., W.P.No.41317 of 2014 has been dismissed.

3. Facts giving rise to filing of this appeal briefly stated are that the appellant claims to be the owner of land admeasuring Acs.5.00 guntas of Survey No.1228/139 situated at Peraigudem Village, Aswaraopet Mandal, Khammam District (briefly 'the subject land' hereinafter). According to the appellant, the subject land was assigned to him under the Telangana Assigned Lands (Prohibition

of Transfers) Act, 1977. Respondent No.7 started digging a borewell on the land belonging to the appellant. Thereupon, the appellant filed a writ petition before the learned Single Judge. Learned Single Judge, by an order dated 23.01.2020, has dismissed the writ petition. In the aforesaid factual background, the present appeal has been filed.

4. Learned counsel for the appellant submitted that merely because in the pattadar passbook, boundaries of the subject land have not been defined, learned Single Judge ought not to have dismissed the writ petition preferred by the appellant.

5. We have considered the submissions made by learned counsel for the appellant and perused the record.

6. Admittedly, the patta certificate, which has been issued in the year 1977, does not show any boundaries. There is no sub-division of Survey No.1228. Respondents have also disputed the factum of allotment of land to the appellant and have stated that, in fact, the subject land was initially allotted to Irrigation Department, which

was re-allotted to respondent No.7. Thus, it is evident that there is a dispute with regard to title of the land belonging to the appellant. In any case, the disputed question of title cannot be adjudicated by this Court in a proceeding under Article 226 of the Constitution of India.

7. For the aforementioned reasons, we do not find any ground to differ with the view taken by learned Single Judge. However, liberty is reserved to the appellant to take recourse to such remedy, as may be available to him in law to establish his title.

8. With the aforesaid liberty, the Writ Appeal is dismissed. No costs.

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

SD/- T. SRINIVAS
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Bala Murali Y Advocate [OPUC]
2. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
3. Two CCs to GP For Agriculture, High Court for the State of Telangana. [OUT]
4. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
5. One CC to Smt. G. Neeraja Reddy, Advocate(OPUC)
6. One CC to Sri B. Shiv Kumar, Advocate(OPUC)
7. Two CD Copies

MBC
GJP

HIGH COURT

DATED: 04/01/2024



JUDGMENT

WA.No.376 of 2023

DISMISSING THE WRIT APPEAL

WITHOUT COSTS