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

THURSDAY ,THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 36341 OF 2024

Between:

Kotha Thirupathi Reddy, S/o. Padmanabha Reddy, Occ. Agriculture, Aged about 57 years, H.No.3-15/1, Eklaspur, V- Saidapur (M) Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Hyderabad.
2. The District Collector, Karimnagar District.
3. The Joint Collector, Karimnagar District.
4. The Revenue Divisional Officer, Karimnagar, Karimnagar District.
5. The Thaasildar, V - Saidapur Mandal, Karimnagar District.
6. Padmanabhuni Subramanya Gupta, S/o. Balanagishetty, Aged about 67 years R/o. Somaram Village, V-Saidapur Mandal, Karimnagar District.
7. Donekana Kanakaiah, S/o. Ramaswamy, Aged about 50 years, R/o. Somaram Village, V-Saidapur Mandal, Karimnagar 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, order or direction, declaring the action of the 5th respondent in not deciding and disposing of the claims made by the respondent No.6 and 7 for validation of simple sale deeds in respect of land to an extent of Ac.2 - 23 guntas situated in Sy.No.26/A, of Somaram village, V-Saidapur Mandal Karimnagar district as directed by the 3rd respondent vide Order dt. 22.07.2019, in File No. D1/5369/2012, as arbitrary, illegal and consequently direct the Respondent No. 5 to dispose of the claims made by the respondent No.6 and 7 for validation of simple sale deeds in respect of land to an extent of Ac.2 - 23 guntas situated in Sy.No.26/A, of Somaram village, V - Saidapur Mandal Karimnagar district as directed by the 3rd respondent vide Order dt. 22.07.2019, in File No. D1/5369/2012

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in supoort of the petition, the High Court may be pleased to direct the Respondent No.5 to dispose of the claims made by the respondent No.6 and 7 for validation of simple sale deeds in respect of land to an extent of Ac.2 - 23 guntas situated in Sy.No.26/A, of Somaram village, V. Saidapoor, Mandal Karimnagar district as directed by the 3rd respondent vide Order dt. 22.07.2019, in File No. D1/5369/2012, pending disposal of the above writ petition

Counsel for the Petitioner:SRI. ANDAPALLI SANJEEV KUMAR

Counsel for the Respondent Nos.1 to 5: SRI L. RAVINDER AGP FOR REVENUE

Counsel for the Respondent NOs.6&7: ---

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION No.36341 of 2024

ORDER:

This Writ Petition is filed praying this Court to declare the action of respondent No.5 in not deciding and disposing of the claims made by respondent Nos.6 and 7 for validation of simple sale deeds in respect of land admeasuring Acs.2.23 guntas in Sy.No.26/A situated at Somaram Village, V-Saidapur Mandal, Karimnagar District, as directed by respondent No.3 *vide* order, dated 22.07.2019 in File No.D1/5369/2012 as arbitrary and illegal and for other appropriate reliefs.

2. It is stated that the petitioner purchased the land admeasuring Acs.2.23 guntas in Sy.No.26/A situated at Somaram Village, V-Saidapur Mandal, Karimnagar District from respondent No.6 through registered sale deed No.885 of 2010, dated 28.04.2010. It is further stated that respondent No.6, who is the vendor of petitioner No.1 and petitioner No.2 have purchased the said property from one Cherukuri Subba Rao, through sada bainama, dated 28.02.1967, which was regularized in his favour and 13-B and 13-C proceedings have been issued by respondent No.5 *vide* proceedings No.B/1950/2005/ROR, dated 31.05.2008 and his name was

also recorded as pattadar in the revenue records and pattadar passbook and title deed No.392749 *vide* patta No.652 was issued in his favour under the provisions of the Telangana Rights in Land and Pattadar Passbooks Act, 1971 (for short "the Act, 1971"). It is further stated that respondent No.7 also claimed that he had purchased the subject land from the original pattadar through sada bainama, dated 25.06.1986 and the same was validated by respondent No.5 *vide* proceedings No.B/1789/2009, dated 09.07.2009. It is further stated that questioning the validation of sadabainama in favour of respondent No 7, respondent No.6 filed an appeal before respondent No.4 under Section 5-B of the Act, 1971, which was disposed of by cancelling the proceedings issued in favour of respondent Nos.6 and 7 and directed both of them to approach the competent civil Court. Aggrieved by the order of the appellate authority, respondent No.6 filed a revision before respondent No.3 under Section 9 of the Act, 1971 and the petitioner got himself impleaded as party in the said revision and the said revision was disposed of on 22.07.2019, directing respondent No.5-Tahsildar to examine the claims of both the parties i.e., petitioner and respondent Nos.6 and 7 for validation of sada bainama and pass appropriate orders strictly in

accordance with the provisions of the Act, 1971. The grievance of the petitioner is that even after the directions issued by the revisional authority, respondent No.5 has not taken any steps to implement the said directions.

3. Considered the submissions of the learned counsel for the petitioner, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 5 and with their consent this writ petition is disposed of at the admission stage. In view of the relief sought in this writ petition, issuance of notice to the unofficial respondents is dispensed with.

4. Learned counsel for the petitioner has submitted that in view of Covid-2019 pandemic, the petitioner has not submitted the application, thereafter the State Government has replaced the Act, 1971 with the Telangana Rights in Land and Pattadar Passbooks Act, 2020, therefore, the petitioner has submitted the application seeking for implementation of the orders passed by the revisional authority, but the same has not been taken into consideration by respondent No.5.

5. Sri L.Ravinder, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 5, not disputed the fact of disposal of the revision filed under Section 9 of the Act, 1971.

6. Be that as it may, the grievance of the petitioner is that even after the specific directions issued by the revisional authority *vide* order, dated 22.07.2019 in File No.D1/5369/ 2012, respondent No.5 has not taken any steps for implementation of the said order. Therefore, this Court deems it appropriate to dispose of the writ petition, directing respondent No.5 to implement the order, dated 22.07.2019 passed by respondent No.3 as directed by the revisional authority after issuing notice to the petitioner as well as respondent Nos.6 and 7 and all other persons, who are interested and whose rights have been affected by virtue of the amendment/change of the revenue records and pass appropriate orders in accordance with law and communicate the decision thereon within a period of eight (08) weeks from the date of receipt of a copy of this order.

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

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

SD/-T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat Building, Hyderabad.
2. The District Collector, Karimnagar District.
3. The Joint Collector, Karimnagar District.
4. The Revenue Divisional Officer, Karimnagar, Karimnagar District.

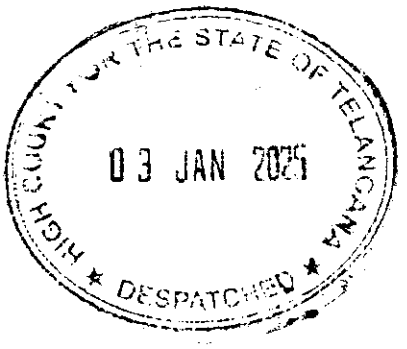
5. The Thaasildar, V - Saidapur Mandal, Karimnagar District.
6. One CC to SRI. ANDAPALLI SANJEEV KUMAR Advocate [OPUC]
7. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana. [OUT]
8. Two CD Copies

KKS
BS

CC TODAY

HIGH COURT

DATED:26/12/2024



ORDER

WP.No.36341 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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03/01/25