

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRTEENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NOS: 41974 AND 32550 OF 2022

W.P.No.41974 of 2022

Between:

1. Vadla Balaswamy, S/o Kalappa
2. Vadla Narsimulu, s/o Kalappa
3. Vadla Janakamma, D/o Kalappa.

...Petitioners

AND

1. State of Telangana, rep by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Additional District Collector, Mahaboobnagar District.
3. The Revenue Divisional Officer, Mahaboobnagar, Mahaboobnagar District.
4. The Tahasildar, Jadcherla Mandal, Mahaboobnagar District.
5. M. Srinivas Reddy, S/o. M. Krishna Reddy, Occ: Business, R/o. Nagsala village, Jadcherla Mandal Mahaboobnagar District.
6. M. Sridhar Reddy, S/o. M. Krishna Reddy Occ: Business, R/o. Nagsala village, Jadcherla 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 writ order or direction more particularly one in the nature of writ of certiorari calling the records relating to file No K/6229/2017 dated 14/2/2022 on the file of the respondent No.3 in granting occupancy right certificate in favour of the respondents 5 and 6 for the land in survey No. 652 extent ac 5.14 gts situated at Nasurlluabad village, Jadcherla Mandal, Mahaboobnagar District on the ground they are being the successors in interest of inamdars (no application filed for ORC) and declaring them as absolute owners and possessor of the lands by virtue of unregistered sale deed dated 15/9/1985 executed by the petitioners and regularised by MRO. Jadcherla in File No. C/5288/1995 dated 6.4.1998 (which is set aside by the respondent No.3 in File No. B/ROR/2212/2013 dated 27.7.2017) as well as ORC granted vide ORC No. K/6229/2017 dated 18/9/2018 (which is set aside by the respondent No. 2 in file No F2/IA-01/2019 dated 22.11.2019) and without issuing any notice and beyond the scope of the jurisdiction as arbitrary and illegal and in violation of the principles of natural justice and contrary to the order dated 6.12.2020 a WP No. 29170/20 and further contrary to the provisions of the TS Abolition of Inams Act consequently set aside the same and direct the respondent No. 3 to issue ORC in favour of the petitioners.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned endorsement passed by the respondent No. 3 in File No. 1K/6229/2017 dated 14/2/2022 (served on 31/5/2022) by granting the Occupancy Right certificate in favour of the respondents 5 and 6 for the land in survey No. 652 ac 5.14 gts situated at Nasurullabad village, Jadcherla Mandal, Mahaboobnagar District, pending disposal of WP.No.41974 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated: 22.11.2022, 13-12-2022 & 14-12-2022 made herein and upon hearing the arguments of M/s. G. MADHUSUDHAN REDDY Advocate for the Petitioners, Assistant GP FOR REVENUE for the Respondent Nos.1 to 4 and SRI. L. HARISH Advocate for the Respondent Nos.5 and 6,

W.P.No.32550 of 2022

Between:

1. Vadla Balaswamy, S/o Kalappa.
2. Vadla Narsimulu, s/o Kalappa.
3. Vadla Janakamma, D/o Kalappa.

Petitioners

AND

1. State of Telangana, rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. In the court of the Special Tribunal at Mahaboobnagar, rep by its Collector and District Magistrate Mahaboobnagar District.
3. The Additional District Collector, Mahaboobnagar District.
4. The Revenue Divisional Officer, Mahaboobnagar, Mahabobnaar District.
5. The Tahasildar, Jadcherla Mandal, Mahaboobnagar District.
6. M. Srinivas Reddy, S/o. M. Krishna Reddy, Occ: Business, R/o. Nagsala village, Jadcherla Mandal Mahaboobnagar District.
7. M. Sridhar Reddy, S/o. M. Krishna Reddy, Occ: Business, R/o. Nagsala village, Jadcherla 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 writ order or direction more particularly one in the nature of writ of certiorari calling the records relating to the file Case No. D1/30/2020 dated 30.5.2021 (served on 30.7.2021) on the file of the respondent No.2 in allowing the revision filed by the respondent No. 6 and 7 challenging the order of the respondent No.4 vide File No. B/ROR/2212/2013 dated 22.07.2017 on the ground of new ROR Act 2020 which was already merged in the order passed by respondent No. 5 vide Proc No. B/13474/2017 Dated 16.11.2017 and merged with the order passed by the respondent No 4 vide file No. K/6229/2017 dated 18.9.2018 and further merged with the order passed by the respondent No 3 vide No. F2/IA-01/2019 dated 22.11.2019 and confirmed in the WP No. 29170/2020 regarding the land in survey No. 652 extent ac 5.37 gts situated at Nasurullabad village, Jadcherla Mandal, Mahaboobnagar District without assigning any reasons and without hearing by the respondent No.2 on 31.3.2022 and without considering any of the objections as arbitrary and illegal and in violation of the principles of natural justice and consequently to set aside the order passed by the respondent No.2 and 3 vide Case No. D1/30/2020 dated 30.5.2022.

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 suspend the operation of the impugned order passed by the respondent No. 2 and 3 vide case No D1/30/2020 dated 30.5.2022, pending disposal of WP No. 32550 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated: 17.08.2022, 16.11.2022, 13-12-2022 & 14-12-2022 made herein and upon hearing the arguments of M/s. G. MADHUSUDHAN REDDY Advocate for the Petitioners, Assistant GP FOR REVENUE for the Respondent Nos.1 to 5 and SRI. L. HARISH Advocate for the Respondent Nos.6 and 7, the Court made the following.

ORDER:

Heard Sri Gudi Mudhusudan Reddy, learned counsel for the petitioners and Sri L.Harish, learned Standing counsel appearing for respondent No.6 and 7.

Reserved for orders.

Till passing of judgment, interim order granted earlier is extended

//TRUE COPY//

**SD/- L. SHIVA PARVATHI
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. One CC to M/s. G. MADHUSUDHAN REDDY, Advocate [OPUC].
2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
3. One spare copy

HIGH COURT

KLJ

DATED:15/12/2022

ORDER

WP.Nos.41974 AND 32550 of 2022



INTERIM ORDER EXTENDED