

[3219]

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

THURSDAY, THE TWENTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 34955 OF 2022

Between:

Smt. Pulyala Vasantha, w/o Krishna Reddy,
Aged about: 70 years, occ: Housewife,
r/o 1-7-1338, Advocates Colony,
Hanmakonda, Warangal Urban District.

Petitioner

And

1. The Project Director,
I.T.D.A., Yeturinaagaram, Mulug District.
2. The Tahsildar,
Govindaraopet Mandal, Mulug District.
3. The State of Telangana,
Tribal Welfare Department,
Secretariat, Hyderabad,
Rep.by its Principal Secretary.
4. E.Raghumohan Rao, s/o late Venkatram Narasaiah,
Aged about: 55 years, occ: Agriculture,
R/O Nalmnagar, Hanmakonda, Warangal District.
5. Vasampally Mohan Reddy, s/o Linga Reddy,
Aged about: 51 years,
6. Smt. Pagilla Indira, w/o Janardhan Reddy,
Aged about: 46 years,
7. Mandadi Utharaiah, s/o Bixam Reddy,
Aged about: 35 years,
8. Kollu Venkat Reddy, s/o Venkat Narsi Reddy,
Aged about: 58 years,
9. Voladri Sanjeeva Reddy, s/o Yella Reddy,
Aged about: 68 years,

10. Voladri Mohan Reddy, s/o Yella Reddy,
Aged about: 68 years,
11. Sappidi Venkat Reddy, s/o Linga Reddy,
Aged about: 48 years,
12. Sappidi Pichi Reddy, s/o Krishna Reddy,
Aged about: 68 years,
13. Yanala Chiranjeevi, s/o Linga Reddy,
Aged about: 42 years,
14. Samarathpu Balaraju, s/o Janaiah,
Aged about: 68 years,
15. Sanga Narahari, s/o Venkatramaiah,
Aged about: 78 years,
16. Shyamala Sammi Reddy, s/o Sathi Reddy,
Aged about: 46 years,
17. Smt. Baddam Padma, w/o Sammi Reddy,
Aged about: 43 years,
18. Pannala Krishna Reddy, s/o Muthi Reddy,
Aged about: 58 years,
19. Kollu Bixam Reddy, s/o Venkatnarsi Reddy,
Aged about: 73 years,
20. Pattapu Venkat Narayanamma, w/o Padma Reddy,
Aged about: 51 years,
21. Komurelli Janardhan Reddy,
s/o Malla Reddy @ Mallaiah, aged about: 58 years,
22. Paghadala Venkat Reddy, s/o Bhadam Reddy,
Aged about: 73 years,
23. Kunta Sambaiah, s/o Gattaiah,
Aged about: 43 years,
24. Eanugu Veera Reddy @ Veera Swamy,
s/o Papi Reddy, aged about: 73 years,

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25. Kamasani Ram Reddy, s/o Yella Reddy,
Aged about: 73 years,
 26. Pannala Muthi Reddy, s/o Venkat Reddy,
Aged about: 68 years,
 27. Sama Srinivas Reddy, s/o Venkat Reddy,
Aged about: 38 years,
 28. Sama Venkat Reddy, s/o not known,
Aged about: 63 years,
 29. Vadicherla Yadaiah, s/o not known,
Aged about: 53 years,
- (respondents 5 to 29 all are Agriculturists,
r/o Pasranagaram Village, Govindaraopet Mandal,
Mulug 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, order or direction, more particularly a writ in the nature of Writ of MANDAMUS declaring the judgment passed in the Court of Additional Agent to the Government and Project Officer, ITDA, Yeturinaagaram in Rc.No.LTR/G-Pet/420/2012 - 15, dated 08/06/2022 served on the petitioner on 27-08-2022, dismissing the suit, and in declaring the title in favour of the Government, and in not granting an order of injunction restraining the respondents 4 to 29 from interfering with the peaceful possession and enjoyment of the land admeasuring an extent of Acs.30-00 in Sy.No.109/A situated at Pasranagaram Village, Govindaraopet Mandal, Mulug District, as bad, illegal, arbitrary, opposed to law, one without jurisdiction.

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 GRANT AD INTERIM INJUNCTION restraining the respondents 4 to 29 from interfering with the suit schedule property admeasuring an extent of Acs.30.00 in Sy.No.109/A situated at Pasranagaram Village, Govindaraopet Mandal, Mulug District, pending disposal of the main writ petition.

IA NO: 2 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 judgment passed in the Court of Additional Agent to the Government and Project Officer, ITDA, Yeturinaagaram in Rc.No.LTR/G-Pet/420/2012-15, dated 08/06/2022, pending disposal of the main writ petition.

Counsel for the Petitioner: SRI. M VIDYASAGAR

Counsel for the Respondent Nos.1 & 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2: GP FOR REVENUE

**Counsel for the Respondent Nos.4 to 8, 13, 16 to 20,
22, 25 & 27: SRI N. SRIDHAR REDDY**

**Counsel for the Respondent Nos.9 to 12, 14, 15, 21,
23, 24, 26, 28 & 29: NONE APPEARED**

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE P.MADHAVI DEVI

Writ Petition No.34955 of 2022

ORDER:

This Writ Petition has been filed seeking a Writ of Mandamus declaring the judgment passed by the Court of Additional Agent to the Government and Project Officer, ITDA, Yeturinaagaram in Rc.No.LTR/G-Pet/420/2012-15, dated 08.06.2022 served on the petitioner on 27.08.2022, dismissing the suit, and in declaring the title in favour of the Government, and in not granting an order of injunction against the respondents as illegal and arbitrary.

2. Brief facts leading to the filing of the Writ Petition are that the petitioner has filed a suit No.Rc.No.LTR/G-Pet/420/2012-15 seeking injunction against the respondents No.4 to 29. When the matter was not taken up for hearing, the petitioner has approached this Court in W.P.No.26591/2017 and vide order dated 19.09.2018, this Court has directed the 1st respondent to dispose of the application filed for injunction expeditiously, preferably within a period of four (4) months from the date of receipt of a copy of the order. It is submitted that after receipt of a copy of the said order of the Hon'ble High Court, the

1st respondent has passed the impugned order dated 08.06.2022 dismissing the suit.

3. Learned counsel for the petitioner submitted that the suit was filed against the unofficial respondents for injunction whereas the 1st respondent has gone into the title of the suit and has held that the title of the suit belongs to the Government and therefore the custody of the land has to be taken over by the Government under the cover of Panchānama. It is submitted that the petitioner has been issued a fresh Pattedar Pass Books and title deeds under the Dharani Portal and that he is also receiving the amount under the Rythu Bandhu Scheme.

4. Learned counsel for the petitioner has also referred to the paragraphs in the impugned order, wherein the 1st respondent has referred to Section 3(1)(a) (II) of the A.P. Scheduled Areas Land Transfer Regulation, 1959, which are not in any way relevant to the suit. Therefore, he submits that the order dated 08.06.2022 has to be set aside.

5. Learned Government pleader appearing for respondents No.1 to 3 and learned counsel appearing for respondents No.4 to 29 are also present and heard.

6. Having regard to the rival contentions and material on record, this Court finds that the petitioner has filed a suit for permanent injunction in respect of Sy.no.109/A measuring Ac.30.00 Gts situated at Pasranagaram village of Govindraopet Mandal, Warangal District, before the Court of the Agent (District Collector) Warangal Scheduled tribes area vide Case.Rc.No.LTR/G-Pet/420/2012-2015, dated 04.09.2015. Since, it is a case for injunction, the 1st respondent ought to have considered the issue of possession and further the contention of the petitioner that he is also title holder at the time of disposal of the suit. In view of the same, this court deems it fit and proper to set aside the order dated 08.06.2022 and direct the 1st respondent to reconsider the matter and pass orders thereon without being influenced by any of the findings given in the earlier orders. The 1st respondent shall give reasonable and fair opportunity of hearing to all the parties concerned.

7. Accordingly, the Writ Petition is disposed of, directing the Respondent No.1 to pass orders on the suit filed by the petitioner for

injunction within a period of three (03) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall also stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR
7B
SECTION OFFICER

//TRUE COPY//

To,

1. The Project Director, I.T.D.A., Yeturinaagaram, Mulug District.
2. One CC to SRI. M. VIDYASAGAR Advocate [OPUC]
3. Two CCs to GP for Social Welfare, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI N. SRIDHAR REDDY, Advocate [OPUC]
5. Two CD Copies

CHR.
LS

6. one spare copy.

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HIGH COURT

DATED:20/10/2022

ORDER

W.P.No.34955 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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24/11/22