

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

**TUESDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION NOS: 20567 AND 25136 OF 2023

WP NO.20567 OF 202:

Between:

Mohammad Jaleel, s/o Hassan, aged about 38 years, occ. Agriculture, r/o h.No.2-10, Gowlivada village, Anthargam Mandal, Peddapalli District- 505 514.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
2. The District Collector, Peddapalli District, At Peddapalli.
3. The Tahsildar, Antargam Mandal Peddapalli District.
4. Smt. Rapolu Annapurna, w/o Ram Ranga Rao, aged about 75 years, occ. Household, r/o 2-10-1063/A, Jyothinagar, Karimnagar.

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondent authorities in taking steps to include the remaining extent of the petitioner's land admeasuring Ac. 1.30 gts., in Sy.No. 143A2/2 situated at Yellammapalle village, Antargam Mandal, Peddapalli District in his pattadar pass book and title deed including the Darani website inspite of the written representation dt.19/12/2022 as being illegal, arbitrary, unjust and unconstitutional and consequently direct the respondent authorities to delete the name of the 4TH respondent from the revenue records in respect of the land admeasuring ac. 1.30 gts., and to include the same in the pattadar pass book and title deed of the petitioner including the Dharani Portal

IA NO: 1 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 respondent authorities to consider and take appropriate action pursuant to the representation dt. 19/12/2022, pending disposal of the main Writ Petition, in the interest of justice

Counsel for the Petitioner: SRI K. SANJEEVA KUMAR

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

WP NO: 25136 OF 2023

Between:

Rapolu Ramesh Babu, S/o.Late Ram Ranga Rao Age.59 years,
Occ.Agriculture, R/o. H.No.2-10-1063/A, Jyothi Nagar, Karimnagar -505 001.
...PETITIONER

AND

1. The State of Telangana, , Rep.by its Secretary, Revenue Department, Secretariat Buildings, Saifabad, Hyderabad.
2. The District Collector, , Peddapalli District at Peddapalli.
3. The Tahsildar, , Anthargam Mandal, Peddapalli District.
4. Mohammed Jaleel, S/o.Hassan Age.38 years, Occ.Agriculture, R/o. H.No.2-10, Gowlivada Village, Anthargam Mandal, Peddapalli 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 or order or direction, more particularly one in nature of Writ of Mandamus, to declare the action of the 3rd respondent in issuing the 13B certificate under the provisions of Section 5A of ROR Act, 1971 in favour of the 4th respondent in respect of the land of Ac.4.20 Gts., in Sy.No.143 of Yellampally Village, Anthargam Mandal, Peddapalli District as illegal and unsustainable and to set aside the same and to issue a consequential direction to the 2nd respondent to delete the name of the 4th respondent in respect of the land in Sy.No.143A2/2 of Yellampally Village, Anthargam Mandal, Peddapalli District and to include the name of the petitioner

IA NO: 1 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 3rd respondent not to entertain any transactions in respect of the land of

Ac.2.30 Gts., in Sy.No.143A2/2 of Yellampally Village, Anthargam Mandal, Peddapalli District, which is shown in the name of the 4th respondent, pending disposal of the main Writ Petition

Counsel for the Petitioner: SMT. VEDULA CHITRALEKHA

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

The Court made the following: ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION Nos.20567 and 25136 of 2023

COMMON ORDER:

Heard learned counsel for the petitioners and Sri Somu Srinivas Reddy, learned Assistant Government Pleader for Revenue.

2. Petitioner in W.P.No.20567 of 2023 is claiming that he is the absolute owner and possessor of land admeasuring Acs.4-20 gts in Sy.No.143A2/2, situated at Yellampalle Village, Antargam Mandal, Peddapalli District on the strength of simple sale deeds dated 16.03.2009 and 12.07.2012. The said simple sale deeds were regularized by respondent No.3 vide proceedings No.SB/KA/PE/RG/2016/211884 dated 23.05.2017. He has filed copy of the latest pattadar passbook and title deed to show that instead of Ac.4-20 gts, Ac.2-30 gts of land is mentioned in Sy.No.143A2/2 of Yellampalle Village. Thus, there is shortage of Ac.1-30 gts. Therefore, he has submitted online application No.2200096959 dated 19.12.2022 with respondent No.2 with a request to correct the said wrong entry. Despite receiving and acknowledging the said online application, respondent No.2 did not act upon the same. Therefore, the present Writ Petition.

3. It is relevant to note that petitioner is claiming that he has purchased the subject property from the husband of respondent No.4 i.e., late Ram Ranga Rao. Even, in the 13-B proceedings, land admeasuring Ac.4-20 gts is mentioned in Sy.No.143A2/2. There is also mention about execution of simple sale deeds by late Ram Ranga Rao-husband of respondent No.4.

4. Whereas, learned counsel appearing for respondent No.4 would submit that the 13-B proceedings were issued without putting the respondent No.4 and her son on notice and affording them an opportunity. According to respondent No.4, her husband never executed the aforesaid simple sale deeds dated 16.03.2009 and 12.07.2012. Therefore, according to respondent No.4, the 13-B proceedings are behind the back of respondent No.4 and it is in violation of procedure laid down under the Act apart from violation of principles of natural justice.

5. Petitioner in W.P.No.25136 of 2023 is the son of late Ram Ranga Rao, he filed this writ petition to declare the action of respondent No.3 in issuing the 13-B Certificate under the provisions of Section 5A of ROR Act, 1971 in favour of the respondent No.4 in respect of land admeasuring Acs.4-20 gts in Sy.No.143 of Yellampalle

Village, Antargam Mandal, Peddapalli District. According to him, respondent No.3 did not put him on notice and afforded him an opportunity while issuing the 13-B proceedings. Therefore, there is violation of the procedure laid down under the Act apart from violation of principles of natural justice.

6. This Court *vide* order dated 11.09.2023 in W.P.No.25136 of 2023 directed respondent No.3 not to entertain any transactions in respect of land admeasuring Acs.2-30 gts in Sy.No.143A2/2, situated at Yellampalle Village, Antargam Mandal, Peddapalli District until further orders.

7. The aforesaid rival submissions would reveal that petitioner in W.P.No.25136 of 2023 and respondent No.4 in W.P.No.20567 of 2023, respondent No.3 did not put them on notice and afforded them an opportunity while issuing 13-B proceedings. In the light of the same, this Court *vide* order dated 20.06.2024 directed learned Assistant Government Pleader for Revenue to get instructions as to service of notice on late Rapolu Ram Ranga Rao, respondent No.4 in W.P.No.20567 of 2023 and writ petitioner in W.P.No.25136 of 2023 while issuing the 13-B proceedings *vide* proceedings No.SB/KA/PE/RG/2016/211884 dated 08.06.2016. But, he is not in a

position to get any specific instructions and he has not filed any counter.

8. In the light of the aforesaid discussion, W.P.No.20567 of 2023 is disposed of directing the respondent No.2-District Collector, Peddapalli District to consider and dispose of the online application No.2200096959 dated 19.12.2022 submitted by the petitioner seeking correction of wrong entry and pass appropriate orders strictly in accordance with law, by putting the petitioner, respondent No.4 and her son i.e., writ petitioner in W.P.No.25136 of 2023 and all interested parties on notice and affording them an opportunity of hearing. He shall pass a reasoned order, communicate copy of the said order to the petitioner, respondent No.4 and writ petitioner in W.P.No.25136 of 2023. He shall complete the said exercise within eight (08) weeks from the date of receipt of copy of this order.

9. In the light of the same, W.P.No.25136 of 2023 is disposed of, directing the respondent No.2 to consider the contentions of the petitioner i.e., respondent No.3 did not put him on notice and did not afford him an opportunity while issuing the 13-B proceedings. He shall report from respondent No.3 and also original file from respondent No.3 and consider the same. He shall pass a reasoned

order, communicate copy of the said order to the petitioner as well as respondent No.4 and he shall complete the said exercise within eight (08) weeks from the date of receipt of copy of this order. Till the aforesaid exercise is completed, both petitioners in both the writ petitions and respondent No.4 in both the writ petitions shall maintain *status quo* with regard to subject property in all respects. There shall be no order as to costs.

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

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

//TRUE COPY//

SECTION OFFICER

To,

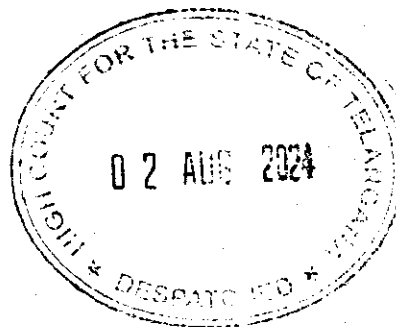
1. The District Collector, Peddapalli District, At Peddapalli.
2. The Tahsildar, Antargam Mandal Peddapalli District.
3. One CC to Sri K Sanjeeva Kumar Advocate [OPUC]
4. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
5. One CC to Smt Vedula Chitralekha, Advocate(OPUC)
6. Two CD Copies

MBC
BS

CC TODAY

HIGH COURT

DATED: 30/07/2024



COMMON ORDER

WP NOS: 20567 AND 25136 OF 2023

DISPOSING OF THE WRIT PETITIONS

WITHOUT COSTS

9
[Signature]
18/02/2024