

ITEM NO.22

COURT NO.14

SECTION XII-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 4750/2023

[Arising out of impugned final judgment and order dated 06-09-2022 in CRP No. 523/2021 passed by the High Court for The State of Telangana at Hyderabad]

KORE RAJAPPA (D) PER LRS.

Petitioner(s)

VERSUS

M. MALLAMMA (D) PER LRS. &amp; ORS.

Respondent(s)

(IA No. 31734/2023 - PERMISSION TO FILE ADDL.DOCS./FACTS/ANNEXURES)

Date : 21-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. B. Shravanth Shanker, AOR  
Ms. Prerna Robin, Adv.  
Ms. Grahita Agarwal, Adv.  
Mr. B Yeshwanth Raj, Adv.

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, Sr. Adv.(NP)  
Mr. Mukesh Kumar Singh, Adv.  
Mr. Korada Pramod Kumar, Adv.  
Mr. Shiv Kumar, Adv.  
Ms. Vaishnavi, Adv.  
Mr. Mesala Venu Gopal, Adv.  
Mr. Ankolekar Gurudatta, AOR

Ms. Devina Sehgal, AOR  
Mr. Vineet George, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard Ms. Prerna Robin, learned counsel for the petitioner(s) and Mr. Ankolekar Gurudatta, learned counsel for the respondent no.1 and her legal representatives..

This case arises out of a proceeding in a Revenue/Civil Court in Mahabubnagar, State of Telangana where petitioner(s) in this

Court was claiming certain rights on the subject land which did not find favour with either the revenue authority or the High Court. The brief facts of the case are as follows:-

The respondent no.1 in this case had filed a suit for permanent injunction in the District Munsiff, Kalwakurthy against the defendant-petitioner(s), which was dismissed on 30.09.1980 but in appeal it was decreed on 19.11.1983 and the second appeal of the petitioner(s) was dismissed on 15.10.1987. Regarding the same land/property in the civil proceedings, the defendant who is the petitioner(s) before this Court had admitted that they had surrendered the subject land in the year 1953 but then contended that surrender itself will not take away all his rights and he has still got rights over the subject land, a contention which did not find favour by the Civil Court.

After losing from the Civil Court, the petitioner(s) moved an application before the Revenue Authorities stating that the possession of the subject land be restored to him. Subsequently, he moves an application before the Mandal Revenue Officer, Veldanda Nagarkurnool based on a letter dated 27.04.1988 to restore the possession of land under Section 32(2) of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (hereinafter called "the Act") in his favour, as vide order dated 19.11.1983, the Trial Court gave liberty to the petitioner to apply for restoration of possession. This application/petition was dismissed by the said Revenue Officer on 28.07.1988. An appeal was filed against this order which was also dismissed on 28.08.2020 and so was his writ petition. Both the Revenue/Civil Courts as well as

the High Court did not accept the contention of the petitioner(s) that an oral surrender would amount to no surrender. The fact of the matter is that when the petitioner(s) had surrendered the subject land, he lost all his rights over the subject land and therefore, his claim of 50% of the right on such land was not justified. This has been the consistent finding of the two Revenue/Civil Courts and the High Court.

Accordingly, this case does not call for any interference from this Court, in exercise of our jurisdiction under Article 136 of the Constitution of India.

With these observations, the present petition is dismissed along with pending application(s), if any.

(NIRMALA NEGI)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)