

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

**TUESDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 18015 OF 2013

Between:

1. Lekkala Laxmi, W/o.Jalandhar Reddy, aged 46 years, Occupation Household, R/o. H.No.1-7-1289, Road No.4, Advocates colony, Balasamudram Warangal.
2. Kommireddi Srinivas Reddy, S/o. Narasimha Reddy, occupation Agriculture, R/o. Gorlavedu Village, Bhoopalpalli Mandal, Warangal District.
3. Nainakanti Sammi Reddy, S/o. Veera Reddy,, occupation Teacher, R/o. H.No.2-12-225, Vidyaranyaपुरi, University Gate No.2, Hanamakonda, Warangal.

.....PETITIONERS

AND

1. Tahsildar, Hanamakonda Mandal, Warangal District.
2. The Joint Collector, Warangal, Warangal District.
3. State of Andhra Pradesh, rep. by its Secretary, Revenue Department, Secretariat, Hyderabad.
4. **B. Sudhakar, Secretary, Perika Colony Development Committee, R/o.H.No.23-6-90/15, Hunter Road, Hanamkonda, Warangal.**

**(R – 4 is impleaded as per Court Order dated 21-10-2013 in
WPMP.No.37286 of 2013)**

.....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 order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the 2nd respondent in taking up suo motu revision Rc.No.E5/1536/2013 for cancellation of Pattadar Passbooks and

Title Deeds in respect of Plot No.6, 7, 10 and 12 respectively in Sy.No.195, situated at Shayampet Jagir Village, Hanamakonda Mandal, Warangal District at the instance of private party and to decide the genuineness of the sale deeds executed in favour of the petitioners by the original owner is beyond jurisdiction, highly arbitrary, bad and illegal.

I.A.NO:1 OF 2013 (WPMP.NO:21940 OF 2013)

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 stay of the suo motu Revision in Rc.No.E5/1536/2013 taken up by the 2nd respondent.

Counsel for the Petitioner : SRI P PRABHAKAR REDDY

Counsel for the Respondent Nos.1 to 3 : SRI K.MURALIDHAR REDDY, GP FOR REVENUE

Counsel for the Implead Respondent No.4 : SRI JALLI KANAKIAH

The Court made the following ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION No.18015 OF 2013

ORDER: (per the Hon'ble Sri Justice J.Sreenivas Rao)

The Writ Petition is filed for the following relief:

".....to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the 2nd respondent in taking up *suo motu* revision Rc.No.E5/1536/2013 for cancellation of Pattadar Pass Books and Title Deeds in respect of Plot Nos.6, 7, 10 and 12 respectively in Sy.No.195, situated at Shayampet Jagir Village, Hanamakonda Mandal, Warangal District at the instance of private party and to decide the genuineness of the sale deeds executed in favour of the petitioners by the original owner is beyond jurisdiction, highly arbitrary, bad and illegal and pass such other order or orders as deem fit and proper."

2. Heard Sri P.Prabhakar Reddy, learned counsel for the petitioners, Sri Katram Muralidhar Reddy, learned Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 3 and Sri Jalli Kanakaiah, learned Senior Counsel appearing on behalf of respondent No.4.

3. **Brief facts of case:**

3.1 Petitioners claim that they are owners and possessors of plot Nos.6, 7, 10 and 12 in Sy.No.195 to an extent of 900 square yards, 325 square yards, 500 square yards and 500 square yards

respectively situated at Shayampet Jagir Village, Hanamakonda Mandal, Warangal District and they purchased the same through registered sale deeds, dated 06.10.2006. Respondent No.2 issued the impugned notice Rc.No.E5/1536/2013, dated 01.04.2013 exercising the powers conferred under the provisions of Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, (hereinafter called for brevity as 'the R.O.R. Act') as a *suo motu* Revision for cancellation of Pattadar Pass Books and Title Deeds issued in favour of the petitioners basing upon the complaint of respondent No.4, when the civil suits i.e. O.S. Nos.205, 215 and 216 of 2013, filed by the petitioners seeking declaration of title and perpetual injunction against Perika Sangam and others, are pending before I Additional Senior Civil Judge, Warangal. Aggrieved by the notice dated 01.04.2013, petitioners have filed the present Writ Petition.

3.2 Learned counsel for petitioners contended that respondent No.2 is not having jurisdiction to initiate *suo motu* revision and issue the impugned notice basing on the complaint given by the respondent No.4 for cancellation of the Pattadar Pass Books and Title Deeds issued in favour of the petitioners, especially comprehensive civil suits are pending before the civil Court.

4. *Per contra*, learned Senior Counsel appearing on behalf of respondent No.4 submits that respondent No.2 is having power to initiate the proceedings under Section 9 of the R.O.R. Act either *suo motu* or basing on an application. Respondent No.2 has rightly issued the impugned notice and the petitioners are entitled to submit their objections before respondent No.2. Petitioners without submitting any objections/counter before respondent No.2, filed the present Writ Petition and the same is not maintainable under law.

5. Learned Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 3 reiterated the very same submissions made by the learned Senior Counsel.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners are claiming rights in respect of the subject property basing on the registered sale deeds, dated 06.10.2006. Admittedly, as on the date of initiation of proceedings by respondent No.2, petitioners have already filed comprehensive civil suits i.e., O.S.Nos.205, 215 and 216 of 2013 on the file of I Additional Senior Civil Judge, Warangal seeking declaration and perpetual injunction. When the said suits are pending, respondent No.2 ought not to have initiated the

proceedings under Section 9 of the R.O.R. Act basing on the complaint given by respondent No.4.

7. It is also pertinent to mention here that while repealing the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, introduced new enactment i.e. Telangana Rights in Land and Pattadar Pass Books Act, 2020 (Act No.9 of 2020), and the same came into effect from 29.10.2020. As per Act No.9 of 2020, respondent No.2 is not having authority or jurisdiction to adjudicate the proceedings under Section 9 of the R.O.R. Act. However, the parties are entitled to make necessary application for correction of the revenue entries as per the provisions of Section 7 of the Act No.9 of 2020. Admittedly, suits which are filed by the petitioners are pending before the I Additional Senior Civil Judge, Warangal and basing on the judgment and decree which are going to be passed by the said Court, the parties are entitled to make necessary applications before the revenue authorities.

8. For the foregoing reasons, the parties are granted liberty to make necessary application seeking change in the entries in Record of Rights as per the provisions of Section 7(1) of Act No.9 of 2020, pursuant to the judgment and decree going to be passed

in O.S. Nos.205, 215 and 216 of 2013 on the file of I Additional Senior Civil Judge, Warangal.

9. With the above direction, the Writ Petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-C. PRAVEEN KUMAR
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Tahsildar, Hanamakonda Mandal, Warangal District.
2. The Joint Collector, Warangal, Warangal District.
3. The Secretary, State of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
4. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI P.PRABHAKAR REDDY, Advocate [OPUC]
6. One CC to SRI JALLI KANAKAIAH, Advocate [OPUC]
7. Two CD Copies

SA
BS



HIGH COURT

DATED:03/09/2024



ORDER

WP.No.18015 of 2013

**DISPOSING OF THE W.P
WITHOUT COSTS.**

10
21/09/24
b.v