

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTEENTH 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 APPEAL NO: 1101 OF 2024

Writ Appeal under clause 15 of the Letters Patent Filed against the order
Dated-29/08/2024 in writ petition No.19848 of 2024 on the file of the High Court.

Between:

Smt. Butchigari Sugunamma, W/o. Chandra Reddy, Age-71 Years,
R/o. Gummadigula Village, and mandal, Sangareddy Dist. T.S.

...APPELLANT/RESPONDENT NO.4

AND

1. Smt. Gosukonda Vijaylaxmi, W/o. Ramreddy, Age-68 Years, R/o. 1-7-33, Dr. Ambedkar Nagar, HMT Raod, Chintal, Rangareddy Dist
2. The State of Telanagana, Represented by its principal secretary, Revenue department, Secretriate, Hyderabad. Telanagana.
3. The District Collector, Sangareddy district sanagareddy. T.S.
4. The Mandal Revenue Officer, (Now Called. THASILDHAR) Gummadidala Village And Mandal, Sangareddy Dist
5. Ammagari Kowsalya, W/o. Bal Reddy, Age-40, R/o. Gummadigula Village, Narsapur Tq. Medak Dist

...RESPONDENTS

IA NO: 2 OF 2024

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 orders dated.29/08/2024 in. W.P.NO.19848 Of 2024 passed by the learned single Judge, pending disposal of the main writ appeal.

Counsel for the Appellant: SRI PATIL SHANKAR RAO

Counsel for the Respondent No.1: SRI M. ARAVIND

**Counsel for the Respondent Nos.2 to 4: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

Counsel for the Respondent No.5: -----

The Court Delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1101 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. P.Shanker Rao Patil, learned counsel for the appellant.

Mr. M.Aravind, learned counsel for the respondent No.1.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondents No.2 to 4.

2. Heard on the question of admission.
3. This intra court appeal is filed against the order dated 29.08.2024 passed in W.P.No.19848 of 2024 by which the learned Single Judge has set aside the order dated 27.02.2023 passed by the Tahsildar on the ground that the name of the appellant was mutated in the revenue records in respect of the land to an extent of Ac.0.0750 guntas in Survey No.447/e/1 situated at Gummadidala

Village and Mandal, Sangareddy District (hereinafter referred to as, "the subject property"), without issuing any notice to the respondent No.1 and has remitted the matter back to the District Collector with a direction to consider the online application submitted by the appellant and to pass an appropriate order in accordance with law after putting the respondent No.1 as well as the appellant and the respondent No.5 on notice and decide the same after affording an opportunity of hearing to all of them.

4. Facts giving rise to filing of this appeal briefly stated are that the respondent No.1 and the respondent No.5 are related to each other as sisters. The respondent No.1 and the respondent No.5 filed O.S.No.27 of 1999 against the appellant for declaration of title and for recovery of possession. The said civil suit was decreed on 25.07.2006. Being aggrieved, the appellant filed an appeal, namely A.S.No.12 of 2006, which was dismissed on 14.09.2007. The appellant thereafter preferred a second appeal, namely S.A.No.24 of 2008, which was partly allowed on

30.03.2022 and the finding of the court below treating Ex.A.12 as a Will was set aside.

5. The Tahsildar, however, by an order dated 27.02.2023, without issuing any notice to the respondent No.1 deleted the name of the respondent No.1 from the revenue records and mutated the subject property in the name of the appellant. The learned Single Judge, by an order dated 29.08.2024, allowed the writ petition, *inter alia*, on the ground that the impugned order dated 27.02.2023 was passed without giving an opportunity of hearing to the respondent No.1. The learned Single Judge, therefore, remitted the matter to the District Collector to consider the online application submitted by the appellant after affording an opportunity of hearing to the respondent No.1, the appellant and the respondent No.5, and to pass a reasoned order within a period of eight weeks. Hence, this appeal.

6. The learned counsel for the appellant submitted that the learned Single Judge ought to have appreciated that against the judgment dated 30.03.2022 passed in

S.A.No.24 of 2008, the respondent No.1 ought to have approached the Supreme Court. It is further submitted that the Tahsildar has implemented the order passed by a Bench of this Court in S.A.No.24 of 2008. It is, therefore, submitted that the impugned order be set aside.

7. We have considered the submissions made on both sides and have perused the record.

8. Admittedly, the order dated 27.02.2023 was passed by the Tahsildar without affording any opportunity of hearing to the respondent No.1. The order of mutation in favour of the respondent No.1, therefore, has rightly been set aside by the learned Single Judge. The order passed by the learned Single Judge is innocuous and the matter has been remitted to the District Collector to consider the online application submitted by the appellant after affording an opportunity of hearing to the respondent No.1, the appellant and the respondent No.5 on notice. The impugned order neither suffers from any infirmity nor error apparent on the face of the record warranting interference of this Court in this intra court appeal.

9. In the result, the appeal fails and is hereby dismissed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

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SD/- K. SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri Patil Shankar Rao, Advocate [OPUC]
2. One CC to Sri M. Aravind, Advocate [OPUC]
3. Two CCs to The GP for Revenue, High Court for the State of Telangana, at Hyderabad[OPUC]
4. Two CD Copies

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HIGH COURT

DATED:13/09/2024

JUDGMENT

WA.No.1101 of 2024



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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