

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

WEDNESDAY, THE EIGHTH DAY OF JANUARY  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

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

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**WRIT APPEAL NO: 49 OF 2025**

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 09/12/2024 in W.P.No.1188 of 2009 and pass on the file of the High Court.

**Between:**

1. Kummari Anjaiah, S/o. Sambaiah, aged 60 years, Occ ; Agriculture, R/o. Pendyal Village, Maheswaram Mandal, Ranga Reddy District.
2. Kummari Kumar, S/o. Sambaiah, aged 33 years, Occ ; Agriculture, R/o. Pendyal Village, Maheswaram Mandal, Ranga Reddy District.
3. Kummari Mukunda Chary, S/o. Sambaiah, aged 38 years, Occ ; Agriculture, R/o. Pendyal Village, Maheswaram Mandal, Ranga Reddy District.

**.....APPELLANTS/RESPONDENTS Nos.3, 4 & 7**

**AND**

1. Kumari Pentamma, (died) per LRs
2. Sunkoju Manjula, W/o. Srihari, aged 45 years
3. Dantoju Madhavi, W/o. Ramachary, aged 43 years
4. Rayabandi Baskar Chary,, S/o. Late Rayabandi Achaiah Chary, Aged 39 years,
5. Rayabandi Narasimha Chary, S/o. Rayabandi Achaiah Chary, aged 39 years,

All are R/o. 4-133, NSRN Colony, Ragannaguda Hayathnagar, Vinjapur,  
Ranga Reddy District.

**....RESPONDENTS/WRIT PETITIONERS**

6. State of Telangana, Rep through its Joint Collector-1, Ranga Reddy District.
7. The Special Grade Deputy Collector and Revenue Divisional Officer, Ranga Reddy East Division at Hyderabad

8. Kummari Sudharshan Chary (died), S/o. Sambaiah, aged major, R/o. Pendyal Village Maheswaram Mandal, Ranga Reddy District.
9. Kummari Bhrama Chary, S/o. Sambaiah, aged 35 years, Occ ; Agriculture, R/o. Pendyal Village, Maheswaram Mandal Ranga Reddy District.

.....RESPONDENTS/RESPONDENTS Nos.5 & 6

**I.A.NO:1 OF 2025**

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 Order dated 09.12.2024 in W.P.No.1188 of 2009, passed by the learned Single Judge by allowing the writ appeal, pending disposal of main writ appeal.

**Counsel for Appellants : SRI BOLLU NAGARAJU**

**Counsel for Respondent No.1 : --**

**Counsel for Respondent Nos.2 to 5 : SRI. K. DEVENDER**

**Counsel for Respondent Nos.6 & 7 : SRI. KATRAM MURALIDHAR REDDY G.P  
FOR REVENUE**

**Counsel for Respondent No.8 : --**

**Counsel for Respondent No.9 : SRI PUNREDDY VENKAT REDDY**

**The Court made the following Judgment : -**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL NO. 49 OF 2025**

**JUDGMENT:** *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

This intra court appeal has been filed aggrieved by the order dated 09.12.2024 passed by the learned Single Judge in Writ Petition No.1188 of 2009 whereunder the writ petition filed by respondent Nos.1 to 5 was allowed.

2. Heard Sri Bollu Nagaraju, learned counsel for the appellants, Sri K.Devender, learned counsel appearing on behalf of respondent Nos.2 to 5 and Sri Katram Muralidhar Reddy, learned Government Pleader for Revenue appearing on behalf of respondent Nos.6 & 7. With the consent of respective parties, the writ appeal is disposed of at the stage of admission.

3. **Brief facts of the case:**

3.1 Facts giving rise to filing of this writ appeal briefly stated are that the appellants are claiming that they are owners and possessors of the agriculture land to an extent of Ac.3-21 guntas and Ac.1-19 guntas in Sy.Nos.168 and 182, total extent is Ac.5-00 situated at Pendyal Village, Maheshwaram Mandal, Ranga Reddy

District (hereinafter referred to as 'the subject property') and the said land was inam land and they are legal heirs of inamdar namely Kummari Anjaiah. The appellants have submitted application before the Special Grade Deputy Collector & Revenue Divisional Officer, Ranga Reddy District, East Division for issuance of Occupancy Rights Certificate (for short 'ORC'). Pursuant to the same, respondent No.7 after following the procedure as contemplated under the provisions of the A.P. (Telangana Area) Abolition of Inams Act, 1955 (hereinafter referred to as 'the Act') and A.P. (Telangana Area) Abolition of Inams Rules, 1975 (hereinafter referred to as 'the Rules') passed order *vide* proceedings No.J/3945/05 on 18.11.2006 and issued ORC in their favour. Aggrieved by the said order, respondent No.1 filed appeal before the Joint Collector-I, Ranga Reddy District and the said appeal was dismissed on 27.12.2008. Thereupon, respondent No.1 filed W.P.No.1188 of 2009. During the pendency of the said writ petition, respondent No.1 died and respondent Nos.2 to 5 were brought on record as her legal representatives.

3.2 The learned Single Judge allowed the above said writ petition by setting aside the order passed by the Joint Collector dated 27.12.2008 as well as the Order of the Revenue Divisional officer dated 18.11.2006 and remitted the matter to the Revenue

Divisional Officer to pass appropriate orders after giving opportunity to the appellants and respondent Nos.2 to 5 including personal hearing, within a period of three (3) months from the date of receipt of a copy of the said order. Thus, the appellants have filed the present writ appeal.

4. **Submissions of learned counsel for the appellants:**

4.1 Learned counsel for the appellants submitted that respondent Nos.1 to 5 are not having any right over the subject property. The Revenue Divisional Officer after following the due procedure as contemplated under the provisions of the Act and Rules, passed order dated 18.11.2006 and issued ORC in favour of the appellants and the respondent Nos.1 to 5 have not submitted objections before the Revenue Divisional Officer and the said order was confirmed by the Joint Collector dated 27.12.2008.

4.2 He further submitted that the appellants were in possession of the subject property and their names were mutated in the revenue records and pattadar pass books and title deeds were issued in their favour. In such circumstances, the learned Single Judge ought to have dismissed the writ petition filed by the respondent Nos.1 to 5.

5. **Submissions of learned counsel for respondents:**

5.1 Learned counsel for respondent Nos.2 to 5 submitted that the Revenue Divisional Officer in his proceedings dated 18.11.2006 held that Kummari Anjaiah and Parusharamulu were found to be in possession and occupation of the subject property. In spite of the same, the Revenue Divisional Officer without issuing any notice and opportunity to respondent No.1, passed the order dated 18.11.2006 and issued ORC in their favour. Admittedly, respondent Nos.1 to 5 are also entitled a share in the subject property. The Joint Collector without considering the grounds of appeal simply dismissed the appeal on 27.12.2008.

5.2 He further submitted that the learned Single Judge has rightly set aside the orders passed by the Joint Collector as well as the order of the Revenue Divisional Officer and remitted the matter back to the Revenue Divisional Officer for conducting fresh enquiry and to pass orders. The appellants are entitled to raise all the objections before the Revenue Divisional Officer and there are no grounds in the writ appeal.

**Analysis:**

6. We have considered the rival submissions made by the respective parties and perused the material available on record. It

is not in dispute that basing on the application submitted by the appellants, the Revenue Divisional Officer passed order dated 18.11.2006 and issued ORC in their favour. It is pertinent to mention that the Revenue Divisional Officer while observing that Kummari Anjaiah and Parusharamulu were found to be in possession and occupation of the subject land as on crucial date 01.11.1973 for issuance of ORC. However, the Revenue Divisional Officer without issuing any notice to the respondent No.1 who is claiming as the successor of late Parusharamulu, passed order dated 18.11.2006 and issued ORC in their favour and the same is gross violation of principles of natural justice.

7. It is trite law that no order adverse to a party should be passed without hearing them. The Hon'ble Apex Court in **Udit Narain Singh Malpaharia v. Addl. Member Board of Revenue**<sup>1</sup>, relied upon the judgment in **King v. London County Council** [(1931) 2 KB 215, 243] held as follows:

“Wherever anybody of persons (1) having legal authority (2) to determine questions affecting rights of subjects and (3) having the duty to act judicially (4) act in excess of their legal authority — a writ of certiorari may issue. It will be seen from the ingredients of judicial act that there must be a duty to act judicially. A tribunal, therefore, exercising a judicial or quasi judicial act cannot decide

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<sup>1</sup> AIR 1963 SC 786

against the rights of a party without giving him a hearing or an opportunity to represent his case in the manner known to law. If the provisions of a particular statute or rules made there under do not provide for it, principles of natural justice demand it. Any such order made without hearing the affected parties would be void. As a writ of certiorari will be granted to remove the record of proceedings of an inferior tribunal or authority exercising judicial or quasi-judicial acts, *ex hypothesi* it follows that the High Court in exercising its jurisdiction shall also act judicially in disposing of the proceedings before it."

8. It is also relevant to place on record that in **Allwyn Housing Colony Welfare Association vs. Government of Andhra Pradesh and others<sup>2</sup>**, the Hon'ble Apex Court specifically held that, no adverse order should be passed against the party without hearing him. In the case on hand, the specific claim of respondent No.1 is that the Revenue Divisional Officer has not issued any notice and opportunity before passing the order in favour of the appellants.

9. For the foregoing reasons and in view of the principles laid down in the above said decisions, this Court does not find any ground to differ with the view taken by the learned Single Judge. However, the parties are directed to maintain '*status quo*' in respect of the subject property till the disposal of the proceedings by the Revenue Divisional Officer. It is made clear that this Court has not

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<sup>2</sup> 2009 (9) SCC 489



expressed any opinion on the merits of the case in respect of the subject property.

9. With the above said modifications, the writ appeal is disposed of. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

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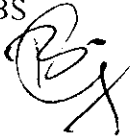
SD/-T. KRISHNA KUMAR  
DEPUTY REGISTRAR

  
SECTION OFFICER

To

1. The Joint Collector-1, State of Telangana at Ranga Reddy District.
2. The Special Grade Deputy Collector and Revenue Divisional Officer, Ranga Reddy East Division at Hyderabad.
3. Two CC's to G.P FOR REVENUE, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI BOLLU NAGARAJU, Advocate [OPUC]
5. One CC to SRI PUNREDDY VENKAT REDDY, Advocate [OPUC]
6. One CC to SRI K. DEVENDER , Advocate [OPUC]
7. Two CD Copies

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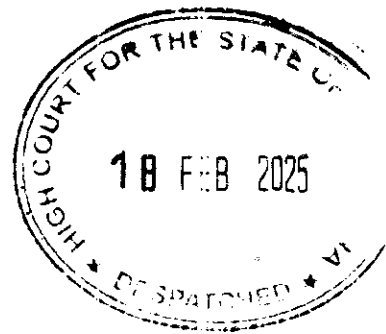


**HIGH COURT**

**DATED:08/01/2025**

**JUDGMENT**

**WA.No.49 of 2025**



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

⑩  
17/02/25  
CK