

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

WRIT PETITION No.12495 OF 2013

Between:

Alampally Laxminarayana & 49 others

... Petitioners

And

The State of Andhra Pradesh, Represented by
Its Principal Secretary, Revenue Department,
Secretariat Buildings, Hyderabad & 4 others

... Respondents

JUDGMENT PRONOUNCED ON: 11.09.2023

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

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> Head Note:

! Counsel for the Petitioners : Mr K.Rama Mohan

^ Counsel for Respondents : G.P. for Revenue

? Cases Referred:

1. 2021 SCC Online TS 946
2. 1997 (4) ALD 294
3. 2000 (2) ALD 433
4. 1996(4) ALD 572
5. 2001(5) ALD 766
6. (2008)(4) APLJ6
7. 2014(4) ALD 358

HON'BLE MRS JUSTICE SUREPALLI NANDA**W.P. No. 12495 of 2013****ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

2. This Writ Petition is filed praying to issue a Writ of Mandamus, declaring the action of Respondent No. 4 in issuing proceedings Proc.No. A/165/2011, dated 04.02.2011 directing the Village Revenue Officer and Mandal Revenue Inspector, Gundlapalli Mandal, to change the entries in revenue records in favour of Respondent No.5 by deleting the names of the petitioners as arbitrary, illegal and violative of the principles of natural justice and direct the 3rd Respondent to pass orders in revision No.1/2399/2012 filed by the 3rd Petitioner.

3. The case of the petitioners in brief, is as follows:

a) The 1st petitioner is having right to an extent of Ac.0.13 $\frac{1}{4}$ gts in Sy.No.363 and Ac.0.15 gts in Sy.No.364; 2nd petitioner is having right to an extent of Ac.0.27 $\frac{1}{2}$ gts in Sy. No. 364; the 3rd petitioner is having right to an extent of

Ac.1.22 $\frac{3}{4}$ gts in Sy. No.376 and Ac.2.19 gts in Sy.No.377; 4th petitioner is having right to an extent of Ac.4.01 $\frac{1}{2}$ gts in Sy.No.376 and Ac.3.12 gts in Sy. No.377; 5th petitioner is having right to an extent of Ac.5.00 in Sy. No.375, Acs.3.00 in Sy.No.376 and Acs.5.30 gts in Sy.No. 377; 6th petitioner is having right to an extent of Ac. 1.22 gts $\frac{3}{4}$ in Sy.No.364; 7th petitioner is having right to an extent of Ac.0.13 $\frac{1}{2}$ gts in Sy No.377; 8th petitioner is having right to an extent of Ac.0.11 gts in Sy. No.363 and Ac.0.13 $\frac{1}{2}$ cents in Sy.No.303; 9th petitioner is having right to an extent of Ac.0.11 gts in Sy.No.363 and Ac.0.09 gts in Sy.No.364; 10th petitioner is having right to an extent of Ac.0.11 gts in Sy.No.363 and Ac.0.01 $\frac{1}{2}$ gts in Sy. No.364; 11th petitioner is having right to an extent of Ac.0.13 $\frac{1}{2}$ gts in Sy. No.363 and Ac.0.09 $\frac{1}{2}$ in Sy.No.364; 12th petitioner is having right to an extent of Ac.0.02 gts in Sy.No.363 and Ac.0.12 gts in Sy.No.364; 13th petitioner is having right to an extent of Ac.0.02 $\frac{1}{4}$ gts in Sy.No.363 and Ac.0.11 $\frac{1}{2}$ gts in Sy.No.364; 14th petitioner is having right to an extent of Ac.0.03 $\frac{1}{4}$ gts in Sy.No.363 and Ac.0.15 $\frac{1}{2}$ gts in Sy.No.364; 15th petitioner is having right to an extent of Ac.0.10 gts in Sy.No.364; 16th petitioner is having

right to an extent of Ac.0.01 ½ gts in Sy. No.363 and Ac.0.08 gts in Sy.No.364; 17th petitioner is having right to an extent of Ac. 0.02 gts in Sy.No.363 and Ac.0.07 gts in Sy. No.364; 18th petitioner is having right to an extent of Ac.0.01 ½ gts in Sy.No.363 and Ac.0.08 gts in Sy.No.364; 19th petitioner is having right to an extent of Ac.0.07 ½ gts in Sy.No.364 and Ac.0.03 ¼ gts in Sy.No.363; 20th petitioner is having right to an extent of Ac.0.02 gts in Sy.No.363 and Ac.0.02 ½ gts in Sy.No.364; 21st petitioner is having right to an extent of Ac.0.02 gts in Sy.No.363; 22nd petitioner is having right to an extent of Ac.0.27 ½ gts in Sy.No.364; 23rd petitioner is having right to an extent of Ac.0.14 ½ gts in Sy.No.364; 24th petitioner is having right to an extent of Ac. 0.03 gts in Sy. No. 299, Ac.0.09 gts in Sy. No.307, Ac.1.23 gts in Sy.No.338 and Ac. 1.27 gts in Sy No.301; 25th petitioner is having right to an extent of Ac.0.0 ½ gts in Sy. No.340, Ac.0.02 gts in Sy No.375 and Acs.4.16 gts in SyNo.374; 26th petitioner is having right to an extent of Ac.0.03 gts in Sy.No.299, Ac.0.12 gts in Sy.No.307, Acs.3.13 gts in Sy.No.338 and Ac.2.04 gts in Sy. No.301; 27th petitioner is having right to an extent of Acs.2.16 gts in Sy No.338; 28th petitioner is having right to an extent of

Ac.0.0 ½ gts in Sy.No.340, Acs.2.00 in Sy. No.338 and Ac.0.22 gts in Sy.No.301; 29th petitioner is having right to an extent of Ac.0.09 gts in Sy.No. 307, Ac.1.28 gts in Sy.No.341 and Ac.1.24 gts in Sy.No.338; 30th petitioner is having right to an extent of Ac. 1.30 gts in Sy.No. 338 and 341; 31st petitioner is having right to an extent of Ac.0.04 gts in Sy. No.299; 32nd petitioner is having right to an extent of Ac.0.26 gts in Sy.No.309, Ac.0.05 gts in Sy. No.291, Ac.0.05 gts in Sy.No.292, Ac.0.04 gts in Sy.No.293, Ac.0.15 gts in Sy.No. 308 and Ac.0.05 gts in Sy.No.309; 33rd petitioner is having right to an extent of Ac.0.21 gts in Sy. No.309; 34th petitioner is having right to an extent of Acs.3.16 gts in Sy.No.375; 35th petitioner is having right to an extent of Ac.0.23 gts in Sy.No.375; 36th petitioner is having right to an extent of Acs.2.20 gts in Sy.No.375; 37th petitioner is having right to an extent of Acs.2.20 gts in Sy No.375; 38th petitioner is having right to an extent of Ac.0.31 gts in Sy.No.208 and Ac.0.17 gts in Sy.No. 209; 39th petitioner is having right to an extent of Ac.0.22 gts in Sy.No.375; 40th petitioner is having right to an extent of Ac.0.02 ½ gts in Sy.No.154, Ac.0.01 ½ gts in Sy.No. 153 and Ac.0.08 gts in Sy.No. 112; 41st petitioner is having

right to an extent of Ac.0.10 gts in Sy.No.57, Ac.0.02 gts in Sy. No. 125, Ac.0.02 gts in Sy.No. 114, Ac.0.03 ½ in Sy.No. 127 and Ac.0.03 ½ gts in Sy.No. 113; 42nd petitioner is having right to an extent of Ac.0.02 gts in Sy. No.314; 43rd petitioner is having right to an extent of Ac.0.02 gts in Sy.No.314; 44th petitioner is having right to an extent of Ac.0.15 gts in Sy No.311; 45th petitioner is having right to an extent of Acs. 3.34 gts in Sy No. 132 and Ac.0.12 gts in Sy.No.353; 46th petitioner is having right to an extent of Acs. 7.26 gts in Sy.Nos.348, 165, 236 and 49; 47th petitioner is having right to an extent of Acs.5.03 gts in Sy.No.350; 48th petitioner is having right to an extent of Ac.2.28 gts in Sy.No.370 and Ac.0.13 ½ gts in Sy. No.326; 49th petitioner is having right to an extent of Ac. 1.20 gts in Sy.No.370 and 50th petitioner is having right to an extent of Acs.3.15 gts in Sy.No. 132 and Ac.0.11 gts in Sy.No.353 situated at Gundlapally Village and Mandal, Nalgonda District.

b) The petitioners are in possession of the above said lands and the names of the petitioners were entered into the revenue records. Accordingly, the 4th respondent issued Adangals/pahanis in the name of the petitioners.

c) On 19.08.2009, the Chief Commissioner of Land Administration, issued proceedings CCLA's Ref.No.B4/1195/2009, calling for a report from the 2nd Respondent by taking necessary action with regard to acquisition of lands for Dindi Project. In pursuance of the above-mentioned proceedings, the 2nd Respondent issued letter No.El/210/07, dated 07.09.2009 to the 5th Respondent and others directing them to report the matter upon inspection. On 21.02.2011, 2nd Respondent herein issued a letter No. E1/210/07, reiterating the contents of the earlier letter.

d) Without issuing any prior notice to the petitioners, on 04.02.2011, the 4th Respondent altered the revenue records through proceedings No.A/165/2011, in favour of respondent No.5. Questioning the same, the petitioners filed a revision under Section 5 (5) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 along with an application seeking suspension of the said proceedings before the 3rd respondent and orders were passed in the said application.

e) As per the above said proceedings dated 04.02.2011 issued by the 4th Respondent, the Special Officer of Dindi Project has acquired the patta lands for construction of Dindi Project and the same was published in Gazette No. Vol.73, Hyderabad Deccan dated 31.01.1941 A.D. Therefore, the 2nd Respondent was directed to implement the patta rights for the lands already covered by acquisition as per the statement in favour of 5th Respondent. Accordingly, the 4th Respondent directed the V.R.O., and M.R.I to implement the necessary changes of patta rights in favour of 5th Respondent.

f) Subsequently, Dindi Project was constructed and no notices are issued or served to the petitioners stating that the said lands were acquired for the project. Alongside, lands were neither used for the said project nor there is any channel belonging to the said project.

g) The petitioners have requested respondents to produce the copy of the award with regard to payment of compensation. However, nothing was shown by the respondents with respect to the Award copy showing the payment of amount of compensation.

h) Taking into consideration, the orders passed by the 4th respondent dated 4.2.2011, the revenue authorities have changed the petitioners' names to 5th Respondent. Though the order passed by the 4th Respondent were dated 04.02.2011, the entries were changed from 2008 onwards.

i) The 4th Respondent have orally directed the petitioners to vacate the said land as it is a Government land, which action of the respondents is highly arbitrary, illegal and against the principles of natural justice. Hence this Writ Petition.

4. Counter Affidavit filed by the Respondent No. 2, in brief, is as under:

a) The Dindi Irrigation project was constructed by Nizam Government prior to 1940 in Gundlapally village of Nalgonda District which is irrigated nearly 12,975 acres. It is having bed area (Shikam) to an extent of Ac.3607.09 gts spread over in Nalgonda and Mahabubnagar Districts.

b) The land was acquired by Nizam Government through District Collector and the award proceedings have not been communicated to Nalgonda district and thereby some of the lands which were acquired are not recorded in the name of

Irrigation department in Revenue accounts and the name of old pattadars and their successors are continued.

c) On 02.01.2007, the 5th Respondent through vide Lr. No.AB/ A3/5915/2017 reported that some miscreants are illegally entering into the Dindi project camp boundaries and are trying to encroach IB lands situated in Sy. Nos.364, 374, 376 and 377 & Gramakantam and requested to act against them.

d) On 17.02.2007 the 2nd Respondent vide Lr.No.El/210/6/1/2007, has instructed the Tahsildar to conduct the spot inspection and report the facts. While so, Sri Gutha Sukendar Reddy, the then MP, Nalgonda filed representation dated 11.08.2009 before the Chief Commissioner of Land Administration with a request to protect the Dindi Project Lands. The same was forwarded by the CCLA vide ref. No.B4/1195/2009, dated 19.08.2009.

e) The 2nd Respondent instructed the 4th Respondent to obtain the Land acquisition Gazette Notification to find out the details of lands acquired and the 4th Respondent obtained Gazette notification No.73, dated 03-01-1941 A.D. It was observed

that land to an extent of Ac.164.12gts of Gundlapally village were acquired under Sy. No. 169(370), 170 (371), 171, 172(371), 187(187), 193(193), 194(194), 191(375), 189(374), 151(306, 303, 302), 186(363), 178(364), 192(376), 195(377), 196(1), 167 (370), 166(370), 212(20), 173(371), 190(373), 168(370), 174, 175, 176, 177 (372), 162(332), 188(188),165(370), 154(323, 324, 305), 143(309), 146(308), 149(295, 340), 150(299),152(307); 179(338), 180(341, 301), 163(335, 333, 329, 328, 327, 325, 326),155(321), 157(314), 159(320), 153(311), 156(312, 322), 158(317, 316),211 (20), 81(67), 94(56), 6(351), 85(155, 353), 105(350, 208, 209), 91(57, 125,114, 127, 113, 148, 124), 84(110, 154, 153), 90(112, 150), 94(56, 130, 131,132), 5(348, 239), 4(347; 240), 102(161, 160, 162), 82(121), 106(349) & 80(117, 116).

f) Through vide Lr.No.El/210/2007, dated 09.01.2009, the 2nd Respondent instructed the 4th Respondent to implement the acquired land in favour of the Irrigation department in Revenue Records. Therefore, the 4th Respondent vide Proc.No.A/165/2011, dated 04.02.2011 passed orders to

record the above lands as per the Gazette Notification and co-relation statement in the name of Irrigation Department.

g) Aggrieved by the above orders passed by the 4th Respondent, the petitioners filed an appeal U/s 5(3) of Telangana Rights in Lands and Pattadar Passbooks Act, 1971, before the RDO, Devarkonda in the year 2017 and the same was dismissed vide order No. B/2001/2017 dated 17-2-2018.

h) Aggrieved by the same, the petitioners filed Revision U/s 9 of Act, 26 of 1971 before the Addl. Collector, Nalgonda. Similarly, some more land holders have filed an appeal before the RDO, vide case No. B/ 487 / 2020 and B/693 / 2020 against the orders of the 4th Respondent. All these cases were transferred to the Special Tribunal, Nalgonda and the said court passed orders vide Case No.F2/Spl. Tribunal/ 0294/2021, dated-02-2021 concluding that the writ petitions on the same subject are pending before this Court. Therefore, the contention of petitioners that the appeals filed by them by the RDO and Joint Collector is false and incorrect. Aggrieved by same several Writ Petitions were filed before this Court.

i) Out of the above Writ Petitions this Court by order dated 10.07.2019 has dismissed the W.P.No.14010/2019 with following observation: -

“Assuming what is contended by petitioners is true, having regard to the fact that the acquisition was by earlier Nizam Government and all along the name of irrigation officials are reflected on the land, petitioners now cannot claim the said extent of land, at this distance of time. Thus, the claim of the petitioners is liable to be dismissed even on the ground of inordinate delay and laches on their part. 5. Writ Petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall stand closed.”

j) Aggrieved the orders passed above, Polam Laxman and others have also filed W.A.No.780/2019 and this Court dismissed the same by order dated 11.11.2019.

k) The 2nd Respondent after verifying the claims of the petitioners with reference to records, stated that the land claimed by the petitioner No.32 in Sy. No.291, 292, 293 are not acquired and was issued new pattadar passbook No. T28090170470. The land claimed by the petitioner No. 41 in Sy No.113, Petitioner No.46 in Sy.No.49, 236, 165 are also not acquired and was issued new pattadar passbook No.

T28090170190. Hence no cause of action for both these petitioners.

l) The remaining lands claimed by the petitioner Nos. 1 to 50 except petitioners 32 and 41 were acquired as per Gazette notification No.73, dated 03.01.1941 A. D and the names of land owners are not deleted from the records.

m) It was very clear from the Gazette Notification and correlation statement that the lands in Sy.No.363, 364, 376, 377, 375, 303, 299,307, 338, 301, 340, 374, 341, 309, 308, 208, 209, 154, 153, 112, 57, 125,114, 127, 314, 311, 132, 353, 348, 350, 370, 326 claimed by the petitioners were acquired for the bed area of Dindi Irrigation Project. However, the patta was not deleted from records due to communication gap.

n) On noticing the same the then District Collector directed the Tahsildar to delete the same from the patta and record in the name of Irrigation department. In pursuance of the same, the Tahsildar passed impugned orders. Mere continuance of the names of the Pattadars does not entitle them to claim the land. Hence the Writ Petition is devoid of merits and is liable to be dismissed.

PERUSED THE RECORD

5. The order impugned in Proc.No.A/1652011 dated 04.02.2011 of the 4th respondent i.e., The Tahsildar, Gundlapalli Mandal, Nalgonda District reads as under:

ORDER:

"The Special Officer, Dindi Project was acquired the Patta and Lands situated at Gundlapally Village of Gundlapally (Dindi) Mandal in the year 1941 for construction of Dindi project the lands covered by acquisition was published in Gazatte No. vol(73) Hyderabad Deccan dated 3rd isfandar 1351 F corresponding to 30-01-1941 A.D. The total extent of the land covered by acquisition was Ac. 433.31gts. The Survey Nos shown in Gazettee was Maji numbers.

The A.D S & L Rks was supplied corresponding new survey numbers co-related to maj numbers with its extent vide is office Lr.No.Nil Dt.24-11-2008. Detailed statement prepared showing the maji numbers with the names of pattadars existed in the year 1941 A.D and the corresponding new survey numbers with the present pattadars as per the record, and appended to this order.

The District Collector, Nalgonda is directed to implement patta rights for the lands already covered by acquisition as per the statement in favour of E.E (I.B), Nalgonda.

Therefore the VRO Gundlapally and MRI are hereby ordered to implement necessary changes of Patta rights in favour of E E (I.B) Nalgonda in respect of the lands covered by acquisition as per the statement within a week days and report compliance along with attested copy of mutation record for onwards submission compliance report to the District Collector, Nalgonda."

6. The contents of copy of the CCL's Lr.No.CMRO/1972371/2023, dated 29.05.2023, in particular, the relevant paras read as under:

"The Collector, Nalgonda has requested to accord permission to issue e-ppbs in their names by changing the names of the irrigation Department as the farmers are in continuous possession of the land from several years and they were also issued old pass books.

The justification of the Collector is that, as per the revenue records the name of the farmers and their forefathers had been recorded as pattedars and possessors from the Khasra pahani to 2011 i.e., till the issue of orders by the Tahsildar and several transactions/successions have also been made in said lands and they have been cultivating the same for last 60 years and as such they have requested to issue e-ppb in their favour.

With regard to the above, it is to inform that, since the subject lands pertains to Irrigation Department and

recorded as IB lands in revenue records the consent is required from Government in Irrigation department. The Collector has already addressed the Government in this regard and orders are awaited.

In view of the above, a copy of the report of the District Collector, Nalgonda along with its enclosures are submitted herewith and the Government is requested to issue consent/no objection to record the pattedar names in revenue records at an early date.

(Orders issued with the Note Approval of the CCLA)."

7. Detailed Report of the Collector and District Magistrate, Nalgonda, vide Lr.No.E1/210/2007, Dated 04.04.2023, reads as under:

"I invite kind attention to the references cited and it is submitted that the Chief Commissioner of Land Administration, Hyderabad vide reference 1st cited while enclosing the copy of reference 2nd cited has requested to examine the representation filed by the Hon'ble MLA Devarakonda, Dt. 23.06.2022 regarding the issue of Pass Books nearly (435) farmers at Gundlapally village & Mandal and to submit report to the Government for further action.

In this regard, it is submitted that, the Hon'ble MLA, Devarakonda Constituency vide his letter dated 23.06.2022 has represented the Hon'ble Minister for Energy, TS, Hyderabad stating that nearly 435 farmers

of Gundlapally Village were represented him that they have been cultivating the land nearly 434.11 gts at Gundlapally Village for last (100) years. But the then Tahsildar, Gundlapally vide Proceedings No.A/165/2011, dated 04.02.2011 has deleted their names and recorded the same on the name of EE (IB) without giving any notice them stating that the said land was acquired for Dindi project in the year 1941 and they have requested to represent the same to the Hon'ble Chief Minister for issue of patta rights. The Hon'ble Minister for energy Government of Telangana vide Lr.No.069/M(Energy)/2022 dated 07.08.2022 requested the Hon'ble Chief Minister to consider for issue of patta rights of the farmers for continuation of dignitary livelihood. The same was forwarded by the Secretary to Chief Minister to the Special Chief Secretary to Irrigation Department.

It is submitted that, the brief facts of the case are that, the Executive Engineer, I&CAD, IB Division, Nalgonda vide his Lr.No.AB/A3/5915/2017, dated 02.01.2007 has reported to the District Collector that some miscreants are illegally entering into the Dindi project camp boundaries and trying to encroach IB lands in Sy.No.364, 374, 376 and 377 & Gramakantam and requested to take action against them. Accordingly, the then Collector vide Lr.No.E1/210/6/1/2007, dated 17.02.2007 has instructed the Tahsildar to conduct the spot inspection and report the facts. While so, the CCLA vide reference 3rd cited while forwarding the

representation filed by Sri Gutha Sukendar Reddy, the then MP, Nalgonda dated 11.08.2009 has requested to protect the Dindi Project Lands.

It is also submitted that, the Dindi irrigation project was constructed by Nizam Government prior to 1940 in Gundlapally village & Mandal which is irrigated nearly 12975 acres and having bed area (Shikam) to an extent of Ac.3607.09 gts spread over in Nalgonda and Mahaboobnagar Districts. The land was acquired by Nizam Government through District Collector, Mahaboobnagar and the award copies are not available, as the files relating to acquisition of Dindi Project lands are not available either at Mahaboobnagar or Nalgonda, the Tahsildar, Gundlapally has been directed to obtain the Land acquisition Award copies from the State Archives to find out the details of lands acquired. The Tahsildar proceeded to State Archives, searched records and obtained Gazette notification No.73, dated 3rd Isfandar 1351 Fasli, 17th Zilla judhanu zillahar 1360-Fujri (Lunar calendar dated 03-01-1941 A.D) relating to land acquisition of Dindi Project. It is in Urdu language with old Survey Numbers. The same is got translated into English and found that the lands in Sy.No.169 (370), 170 (371), 171, 172(371), 187(187), 193(193), 194(194), 191(375), 189(374), 151(306, 303, 302), 186(363), 178(364), 192(376), 195(377), 196(1), 167(370), 166(370), 212(20), 173(371), 190(373), 168(370), 174, 175, 176, 177 (372), 162(332),

188(188), 165(370), 154(323, 324, 305), 143(309), 146(308), 149(295, 340), 150(299), 152(307); 179(338), 180(341, 301), 163(335, 333, 329, 328, 327, 325, 326), 155(321), 157(314), 159(320), 153(311), 156(312, 322), 158(317, 316), 211 (20), 81(67), 94(56), 6(351), 85(155, 353), 105(350, 208, 209), 91(57, 125, 114, 127, 113, 148, 124), 84(110, 154, 153), 90(112, 150), 94(56, 130, 131, 132), 5(348, 239), 4(347, 240), 102(161, 160, 162), 82(121), 106(349) & 80(117, 116) to an extent of Ac.464.12 gts of Gundlapally village were notified for acquisition. The A.D.S&L.R. Nalgonda prepared the list of old and new survey numbers. While enclosing the said co-relations numbers statement, the then District Collector, Nalgonda instructed the Tahsildar, Gundlapally vide Lr.No.E1/210/2007, Dt.09.01.2009 to implement the acquired lands in favour of the Irrigation department in Revenue Records.

Accordingly, the Tahsildar, Gundlapally vide Procs.No.A/165/2011, Dt.04.02.2011 passed orders to record the above lands to an extent of Ac.334.33 gts covering nearly 435 farmers in the name of Irrigation Department. Aggrieved by which, in the year of 2017 the petitioners filed an appeal U/s.5(3) of Telangana Rights in Lands and Pattadar Passbooks Act, 1971, before the RDO, Devarakonda in the year 2017 and the same dismissed vide order No.B/2001/2017 dated 17.2.2018. Aggrieved by which he filed Revision U/s 9

of Act, 26 of 1971 before the Addl. Collector, Nalgonda. Similarly some more land holders have filed an appeal before the RDO, vide case No.B/487/2020 and B/693/2020 against the orders of the Tahsildar. All these cases including the Revision filled before the Additional Collector, were transferred to the Special Tribunal, Nalgonda U/s 16 of Telangana rights in lands and Passbook Act, 2020 and vide G.O.Ms.No.4, Revenue (assignment-1) dated 12.01.2021. All those cases were heard by the Tribunal and passed the orders vide Case No.F2/Spl.Tribunal/0294/2021, dated -02-2021 concluding that the writ petitions on the same subject are pending before the Hon'ble High Court. Aggrieved by which they have filed W.P.No.15388/2018. WP.No.48121/2018, WP No.30849/2017, WP.No.22028/2014, WA.No.780/2019 in WP.No.14010/2019 WP.No.31270/2022 and WP.No.12495/2013 with prayer to declaring the orders of the RDO Devarakonda in appeal case confirming orders of Tahsildar Gundlapalli as illegal. Out of that the Hon'ble Court by order dated 10.07.2019 has dismissed the W.P.No.14010/2019 with following observation: -

Assuming what is contended by petitioners is true, having regard to the fact that the acquisition was by earlier Nizam Government and all along the name of Irrigation officials are reflected on the land, petitioners now cannot claim the said extent of land, at this distance of time. Thus, the claim of

the petitioners is liable to be dismissed even on the ground of inordinate delay and latches on their part. 5. Writ Petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall stand closed.

Aggrieved the orders passed by the learned single Judge, one Polam Laxman and others have also filed W.A.No.780/2019 and the same was dismissed by order dated 11.11.2019. The other Writ petitions are still pending before the Hon'ble High Court, TS, Hyderabad.

In view of the above it is submitted that, as per the revenue records the names of the farmers and their forefathers had been recorded as pattadars and possessors from the Khasra pahani to 2011 i.e., till the issue of orders by the Tahsildar, Gundlapalli for recording their lands on the names of irrigation department. Several transactions and succession have also been made in said lands and they have been cultivating the same for last 60 years and as such they have requested to issue E-ppb in their favour.

Therefore, I request kindly accord permission to issue e-ppbs in their names by changing the name of the irrigation department as the farmers are in continuous possession on the land from several years and they were also issued old pass books."

8. Counter affidavit of respondent No.2, in particular, paras 6, 12 and 13, read as under:

"6. I submit that, aggrieved by the orders passed by Tahsildar, Gundlapally vide Progs.No.A/165/2011 Dt:04-02-2011, the petitioners filed an appeal U/s 5(3) of Telangana Rights in Lands and Pattadar Passbooks Act, 1971, before the RDO, Devarakonda in the year 2017, i.e., after lapse of about (6) years. The Revenue Divisional Officer, Devarakonda dismissed the appeal vide order No.B/2001/2017 dated 17.02.2018. Aggrieved by which he filed Revision U/s 9 of Act, 26 of 1971 before the Addl.Collector, Nalgonda. Similarly some more land holders have filed an appeal before the RDO, vide case No.B/487/2020 and B/693/2020 against the orders of the Tahsildar. All these cases including the Revision filed before the Additional Collector, were transferred to the Special Tribunal, Nalgonda U/s 16 of Telangana rights in lands and Passbook Act, 2020 and vide G.O.Ms.No.4, Revenue (assignment-1) dated 12.01.2021. All those cases were heard by the Tribunal and passed the orders vide Case No.F2/Spl.Tribunal/0294/2021, dated -02-2021 concluding that the writ petitions on the same subject are pending before the Hon'ble High Court. Therefore, the contention of petitioners that the appeals filed by them by the RDO and Joint Collector is false and incorrect."

12. I submit that it is crystal clear from the Gazette Notification and co-relation statement, the lands in Sy.No.363, 364, 376, 377, 375, 303, 299, 307, 338, 301, 340, 374, 341, 309, 308, 208, 209, 154, 153, 112, 57, 125, 114, 127, 314, 311, 132, 353, 348, 350, 370, 326 claimed by the petitioner were acquired for the bed area of Dindi Irrigation Project. But, patta was not deleted from records due to communication gap. On noticing the same the then District Collector secured evidence from the State Archives in the form of Gazette notification and directed the Tahsildar to delete the same from the patta and record in the name of Irrigation department. In pursuance of the same, the Tahsildar passed impugned orders.

13. I submit that, mere continuance of the names of the pattadars and their successors in Records as pattadars does not entitle them to claim the land acquired for irrigation project. Similar W.P.No.14010/2019 filed by Polam Lakshman & others was already dismissed by the Hon'ble Court vide order dated 10.07.2019 which was confirmed in W.A.No.780/2019, dated 11.11.2019. This W.P. is similar with that of the case disposed by this Hon'ble Court."

9. Para 4 of the order dated 10.07.2019, passed in W.P.No.14010 of 2019, reads as under:

"4. Assuming what is contended by petitioners is true, having regard to the fact that the acquisition was done by earlier Nizam Government and all along the name of irrigation officials are reflected on the land, petitioners now cannot claim the said extent of land, at this distance of time. Thus, the claim of the petitioners is liable to be dismissed even on the ground of inordinate delay and laches on their part."

DISCUSSION & CONCLUSION

DISCUSSION

10. It is the specific case of the Petitioners that the Petitioners are in possession and enjoyment of petition subject lands along with other lands for the last several decades right from their ancestors, and that the names of the Petitioners and their forefathers entered into the Revenue Records and the 4th Respondent issued Adangals/Pahanis besides pattadar passbooks and title deed books in the name of the Petitioners in respect of their extents showing that they are the owners of the said extents. Whiles, to the shock of the Petitioners the 4th Respondent altered the Revenue Records in respect of Petitioners lands through Proceedings No.A/165/2011, dated

04.02.2011 even without issuing any notice to the Petitioners by implementing the necessary changes in favour of the Executive Engineer (IB) Nalgonda District, Nalgonda. Questioning the same 3rd Petitioner herein i.e., Pola Srinivasulu filed Revision before the Revenue Divisional Officer, Miryalguda on 18.08.2011 and prayed to set aside the order of the Tahsildar, Gundlapalli Mandal, vide proceedings No.A/165/2011, dated 04.02.2011 and also filed stay application seeking suspension of the said proceedings before the 3rd Respondent and when no orders have been passed even in the year 2013 on the stay application filed by the 3rd Petitioner before the Revenue Divisional Officer, Miryalguda, the 3rd Petitioner herein along with 49 others approached the High Court and filed the present writ petition seeking a writ of mandamus declaring the action of the 4th Respondent in issuing proceedings No.A/165/2011, dated 04.02.2011 directing the Village Revenue Officer and Mandal Revenue Inspector, Gundlapalli Mandal to change the entries in Revenue Records in favour of Respondent No.5 by deleting the names of the Petitioners as arbitrary, illegal, contrary to law, unjust and violative of principles of natural justice and

further direct the 3rd Respondent to pass orders in Revision No.E1/2399/ 2012, filed by the 3rd Petitioner.

11. Counter affidavit has been filed by Respondent No.2 and it is contended that aggrieved by the orders passed by Tahsildar, Gundlapalli vide proceedings No.A/165/2011, dated 04.02.2011, the Petitioners filed an Appeal under Section 5(3) of Telangana Rights in Lands and Pattadar Passbooks Act, 1971, before the RDO, Devarakonda in the year 2017 after a lapse of about 6 years and the RDO, Devarakonda, dismissed the Appeal vide Order No.B/2001/2017, dt. 17.02.2018, aggrieved by which the Petitioners filed Revision U/s.9 of Act 26 of 1971 before the Addl. Collector, Nalgonda. Similarly, some more land holders have filed an Appeal before the Revenue Divisional Officer, vide Case No.B/487/2020, and B/69/2020 against the orders of the Tahsildar, and all these cases including the Revision filed before the Addl. Collector were transferred to the Special Tribunal, Nalgonda under Section 16 of Telangana Rights in Lands and Pattadar Passbook Act, 2020 vide G.O.Ms.No.4,

Revenue (Assignment-I) dated 12.01.2021, and that all the said cases were heard by the Tribunal and orders passed vide Case No.F2/Spl.Tribunal/0294/2021, dated .02.2021 concluding that the writ petition on the same subject are pending before the Hon'ble Court and therefore the Revision cannot be adjudicated which will become subjudice.

12. It is also stated in the counter affidavit that one of them had filed W.P.No.14010/2019 with a prayer as under :

“declaring the action of the respondents in issuing the Lr.No.E1/210/2007 dated 04.02.2008 leading to impugned Memo No.A/2466/2013 dated 20.03.2014 issued by the 5th Respondent as illegal arbitrary and to set aside the same and consequently to direct the respondent No. 3 and 5 to delete the name of the Respondent No. 6 i.e., the Executive Engineer IB, Nalgonda District, from the pahani in Sy. No. 372/1 372/2, 372/3, 372/5, 372/6 to an extent of 39 acres situated at Gundlapally Village, Dindi, Nalgonda District, and mutate the names of the petitioners in the pahani as well as other revenue records in respect of the above survey numbers.

13. The impugned Memo dated 20.03.2013 of the Tahsildar, Gundlapalli challenged in W.P.No.14010 of 2019 indicated that the Petitioners in W.P.No.14010 of 2019 should prefer Revision against mutation of name of Irrigation officials on land to an extent of Ac.433.31 gts., in various survey numbers covering Dindi project. **It is further contended in the counter affidavit filed by Respondent No.2, that the said W.P.No.14010 of 2019 was dismissed vide orders of the Court dated 10.07.2019 observing that assuming what is contended by the Petitioners is true having regard to the fact that the acquisition was by earlier Nizam Government and all along the name of Irrigation officials reflected on the land and Petitioners cannot claim the said extent of land at this distance of time and that the claim of the Petitioners is liable to be dismissed even on the ground of inordinate delay and latches on their part.**

14. In the counter affidavit filed by the 2nd Respondent it is further contended that W.A.No.780 of 2019 preferred against the order dt. 10.07.2019 passed in WP NO.14010 of 2019 was also dismissed vide

orders dated 11.11.2019 holding that ROR Act is a complete code in itself which provides the remedy of Appeal and Revision for correcting the wrong entries if any made and the same is efficacious and effective remedy. The 2nd Respondent prayed for dismissal of writ petition on the said grounds.

CONCLUSION

15. A bare perusal of the order impugned dt. 04.02.2011 in proceedings No.A/165/2011, clearly indicates that the Special officer, Dindi Project had acquired the patta lands situated at Gundlapally village, of Gundlapally (Dindi) Mandal in the year 1941 for construction of Dindi project and the lands covered by acquisition was published in Gazettee No. Vol. (73), Hyderabad Deccan, dated 3rd 1351 Fasli corresponding to 30.01.1941 AD and that the total extent of land covered by acquisition was Ac.433.31 gts., and that the District Collector, Nalgonda directed to implement patta rights for the lands already covered by acquisition as per the statement in favour of EE (IB) Nalgonda and therefore the VRO, Gundlapally and MRI had been ordered to implement necessary changes of

patta rights in favour of EE (IB) Nalgonda in respect of the lands covered by acquisition as per the statement within a week and report compliance along with attested copy of mutated record for onward submission and compliance report to the District Collector, Nalgonda.

16. This Court opines that the proceedings No.A/165/2011, dated 04.02.2011 need to be set aside for the following reasons :

i) It is apparent and borne on record that the impugned proceedings dt.04.02.2011 in Proceeding No.A/165/2011 of the 4th Respondent herein has been passed without issuing notice to the petitioners in clear violation of principles of natural justice and hence need to be set aside.

ii) A bare perusal of the relevant provisions i.e., Sec.4 dealing with acquisition of rights to be intimated, Sec.5 dealing with amendment and updating of record of rights, of Telangana Rights in Land and Pattadar Passbook Act, 1971 and Rule 5 of Telangana Rights in Land and Pattadar Passbook Rules, 1989, clearly indicate that the proviso to Section 5(1)

and Section 5(3) represent statutory embodiment of the most important facet of the rules of natural justice i.e., *Audi Alterm Partem* these provisions contemplate issuance of notice to the persons likely to be effected by the action of decision of the Mandal Revenue Officer to carry out or not to carry out amendment in the record of rights and the order impugned is in clear violation of *Audi Alterm Partem*.

iii) The Apex Court in the judgment reported in (2009) 12 SCC 40 in Umanath Pandey & Others vs. State of Uttar Pradesh & Another at paras 10 & 11 observed as under :

Para 10 : The adherence to principles of natural justice as recognized by all civilized States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. **It says that no one should be condemned unheard. Notice is the best limb of this principle.** It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be

adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. **Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice.** It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the "Magna Carta". The classic exposition of Sir Edward Coke of natural justice requires to "vacate, interrogate and adjudicate". In the celebrated case of Cooper v. Wandsworth Board of Works the principle was thus stated: (ER p. 420).

"Even God himself did not pass sentence upon Adam before he was called upon to make his defence. 'Adam' (says God), 'where art thou? Hast thou not eaten of the tree whereof I commanded thee that thou shouldest not eat?'"

Since then the principle has been chiselled, honed and refined, enriching its content. Judicial treatment has added light and luminosity to the concept, like polishing of a diamond.

Para 11 : "Principles of natural justice are those rules which have been laid down by the courts as being the minimum protection of the rights of the

individual against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice”.

iv) The Division Bench of High Court of Andhra Pradesh at Hyderabad in W.P.No.7868/2004 decided on 11.07.2007 in Chinnam Pandurangam vs. The Mandal Revenue Officer, Serilingampally Mandal & Others dealing with the requirement of issuing notice in writing to all persons whose names were entered in record of rights and who were interested in or affected by amendment under the Record of Rights Act at paras 10 & 11 observed as under :

“10. The issue deserves to be considered from another angle. If an application is made for an amendment of the existing entries in the Record of Rights, the person whose name already exists in such record is entitled to contest the proposed amendment. He can do so only if a notice regarding the proposed amendment is given to him by the recording authority. **An order passed against a person whose name already exist in the Record of Rights without giving him notice of the proposed amendment and effective opportunity of hearing is liable to be declared nullity on the**

ground of violation of the rule of *audi alteram partem*, which, as mentioned above, represent the most important facet of the Rules of natural justice. It need no emphasis that the rules of natural justice are applicable in all judicial and quasi-judicial proceedings. The rule of hearing is also applicable in purely administrative proceedings and actions where any public authority passes an order affecting the rights of any individual. The applicability of the rules of natural justice to purely administrative actions has been recognized by the Supreme Court in *State of Orissa v. Dr. (Miss) Binapani Dei* MANU/SC/0332/1967 (1967) 11LLJ266 SC and has been reiterated in various judgments including those of *A.K. Kraipak v. Union of India* [1970]1SCR457 *Menaka Gandhi v Union of India* [1978] 2 SCR 621 *S.L. Kapoor v. Jagmohan* MANU/SC/0036/1980 [1981] 1 SCR746 *Swadeshi Cotton Mills v. Union of India* MANU/SC/0048/1981: [1981]2SCR533 and *Olga Tellis v. Bombay Municipal Corporation* MANU/SC/0039/1985: AIR1986SC180.

11. From the above discussion, it is clear that the requirement of issuing notice in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the amendment is independent of the requirement of publication of notice in accordance with the second part of Section 5(3) read with Rule 19 and 5(2) of the Rules. The language of Form-VIII in

which the notice is required to be published cannot control the interpretation of the substantive provision contained in Section 5(3), which, as mentioned above, casts a duty on the recording authority to issue notice in writing to all persons whose names are entered in the Record of Rights and who are interested in or affected by the proposed amendment.

17) In the present case as borne on record there is a clear violation of Section 5(1) and Section 5(3) of the Telangana Rights in Land and Pattedar Passbook Act, 1971.

18) A bare perusal of two important documents filed by the Petitioners vide Memo dated 18.06.2023 and not disputed by the Respondents herein very clearly indicate that the Petitioners cases should necessarily be considered for the relief as prayed for in the present writ petition.

19) A bare perusal of the last paragraph of the report filed along with the Memo dated 18.06.2023 by the Petitioners herein in Lr.No. E1/210/2007, dated 04.04.2023 of the District Collector, Nalgonda,

addressed to the Special Chief Secretary to Government, Irrigation and Command Area Development (IW) Department, Telangana, Hyderabad, clearly indicates the request of the District Collector, Nalgonda on record to accord permission to issue E-PPBs in Petitioners names by changing the name of the Irrigation Department as the farmers are in continuous possession of the land since several years and they were also issued old passbooks. It is also clearly brought on record by District Collector, Nalgonda, in the said report dated 04.04.2023 that as per the Revenue Records the names of farmers and their forefathers had been recorded as pattadars and possessors from the Khasra Pahani to 2011 i.e., till the issue of orders by the Tahsildar, Gundlapally for recording their lands on the names of the Irrigation Department and that several transactions and succession had also been made in the said lands and they had been cultivating the same for the last 60 years and therefore, the petitioners had requested for issuance of pattedar passbooks in their favour.

20) A bare perusal of the CCLA's letter No.CMRO/1972371/2023, dated 29.05.2023 of the Chief Commissioner of Land Administration, TS, Hyderabad, addressed to the Special Chief Secretary to Government, Irrigation and Command Area Development (IW) Department, Telangana, Hyderabad, filed as second martial document along with memo filed by the Petitioners dated 18.06.2023 also indicate a reference to the report of the District Collector, dated 04.04.2023 vide Letter No.E1/210/2007, and further a request to issue consent/no objection to record the pattadar names in the Revenue Records at the earliest.

21) This Court is conscious of the fact that W.P.No.14010/2019 filed by one of the pattadar was dismissed on 10.07.2019 and the W.A.No.780/2019 preferred against the said order dt.10.07.2019 passed in W.P.NO.14010/2019 was also dismissed by orders of Division Bench of our High Court dt. 11.11.2019 on the ground of delay and on the ground of availability of alternative remedy of appeal and revision, but challenge

in the said writ petition pertained to Memo dt. 20.03.2014 of the Tahsildar, Gundlapally informing the pattedars that their names could not be mutated and they should prefer revision against mutation of name of Irrigation officials on land to an extent of Ac.433.31 gts., in various survey numbers covering Dindi project, whereas in the present case the challenge of the Petitioners is against the very order of the Tahsildar, Gundlapally, Dindi in Proceedings No.A1/165/2011, dated 04.02.2011 which directed mutation and implementation of necessary changes of patta rights in favour of EE (IB) Nalgonda without notice to the petitioners herein in clear violation of the procedure mandated as per the provisions of the Telangana Rights in Land and Pattedar Passbooks Act, 1971. Therefore, this Court opines that the plea in the counter affidavit that W.P.No.14010 of 2018 and W.A.No.780 of 2019 is dismissed and hence, the present writ petition also needs to be dismissed is unsustainable.

22) In so far as the pleas of delay and alternative remedy put forth by the counsel for the Respondents the same is dealt with and answered hereunder:

DELAY :

i) The judgment of the Apex court reported in (2022) SCC Online SC 232, dated 21.02.2022 in Sunil Kumar Rai & Others Vs. State of Bihar & Others at para 7 it is observed as under :

Para 7 : Article 32 of the Constitution provides for a Fundamental Right to approach the Supreme Court for enforcement of the Fundamental Rights. The founding fathers contemplated that the very right to approach this Court when there is a violation of Fundamental Rights, should be declared as beyond the reach of Parliament and, therefore, it is as a part of judicial review that the right under Article 32 has been put in place and invoked from time to time. That in a given case, the Court may refuse to entertain a petition under Article 32 of the Constitution is solely a part of self-restraint which is exercised by the Court having regard to various considerations which are germane to the interest of justice as also the appropriateness of the Court to interfere in a particular case. **The right under Article 32 of the Constitution remains a Fundamental Right and it is always open to a**

person complaining of violation of Fundamental Rights to approach this Court. This is, no doubt, subject to the power of the Court to relegate the party to other proceedings.

23. This Court opines that the findings at para 7 of the judgment of the Division Bench of the Apex Court reported in (2022) SCC Online SC 232, dated 21.02.2022 (referred to and extracted above) in Sunil Kumar Rai & Others Vs. State of Bihar & Others which pertained to challenge of notification of the year 2016 after 5 years in principle apply to the facts of the present case as well. In the present case the petitioners approached the Court on 22.04.2013, whereas the order impugned is dated 04.02.2011.

24. The Apex Court in the judgment dated 17.12.2014 reported in Assam Sanmilita Mahasangha v. Union of India (2015) 3 SCC 1, at para 32 observed as under :—

32. ".....Further, in Olga Tellis v. Bombay Municipal Corpn., reported in 1985 (3) SCC page 545 it has now been conclusively held that all fundamental rights cannot be waived. Given these important developments in the law, the time has come for

this Court to say that at least when it comes to violations of the fundamental right to life and personal liberty, delay or laches by itself without more would not be sufficient to shut the doors of the court on any petitioner."

This Court opines that delay by itself cannot be used as a weapon to Veto an action under Article 226 when violation of Fundamental Rights is clearly at stake.

ALTERNATIVE REMEDY

25. The Apex Court in a judgement dt. 20.04.2021, reported in (2021) 6 SCC 771 in M/s. Radhakrishan Industries vs. State of Himachal Pradesh referring to Whrilpool Corporation vs. Registrar of Trade Marks (reported in 1998 (8) SCC 1) at para 27 observed as under :

"The principles of law which emerge are that

27.1 The power under Article 226 of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well;

27.2 The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person;

27.3 Exceptions to the rule of alternate remedy arise where (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged;

27.4 An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law;

27.5 When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion; and

27.6 In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with.

In the present case this Court opines that 27.1, 27.3 (a) (b) (c) (referred to and extracted of the above Apex

Court judgement) are attracted and hence the present writ petition is maintainable and the plea of availability of alternative remedy is unsustainable.

26. This Court also takes note of the fact that at para 6 of the counter affidavit filed by the 2nd Respondent it is stated that the Tribunal passed orders vide Case No.F2/Spl. Tribunal/0294/2021 and batch (new case No.F2/Spl.Tribunal/0294/2021, dated .02.2021 dismissing the Appeals as not maintainable very clearly observing that when the matter is pending trial before the High Court the Revision cannot be adjudicated which will become subjudice, hence, on this ground also the present writ petition needs to be adjudicated on its own merits, hence, for this specific reason as well the present writ petition is maintainable.

27. Taking into consideration the above said facts and circumstances and the law laid down by the Apex Court in the judgments (referred to and discussed above) (1) (2009) 12 SCC 40 in Umanath Pandey & Others vs. State of Uttar Pradesh & Another, (2) (2022) SCC

Online SC 232, dated 21.02.2022 in Sunil Kumar Rai & Others Vs. State of Bihar & Others, (3) Assam Sanmilita Mahasangha v. Union of India (2015) 3 SCC 1, (4) (2021) 6 SCC 771 in M/s. Radhakrishan Industries vs. State of Himachal Pradesh and the judgement of Full Bench of High Court of Andhra Pradesh at Hyderabad passed in (5) W.P.No.7868/2004 decided on 11.07.2007 in Chinnam Pandurangam vs. The Mandal Revenue Officer, Serilingampally Mandal & Others, the writ petition is allowed as prayed for and the proceedings No.A/165/2011, dated 04.02.2011 of the 4th Respondent herein is set aside and the Respondents are directed not to dispossess the Petitioners from their respective possession. This Court further taking into consideration the subsequent latest development in pursuance of the filing of the present writ petition duly considering Lr.No.E1/210/2007, dated 04.04.2023 of the District Collector, Nalgonda and also the CCLAs letter No.CMRO/197237/2023, dated 29.05.2023 of the Chief Commissioner of Land Administration, Telangana State, Hyderabad brought on record, through Memo

dated 18.06.2023 by the petitioners herein directs the respondents herein to initiate appropriate steps as indicated in the detailed report vide Lr.No.E1/210/2007, dated 04.04.2023 of the District Collector, Nalgonda, within a period of 4 weeks from the date of receipt of the copy of the order. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SUREPALLI NANDA, J

Date: 11.09.2023

Note: L.R.Copy to be marked.

b/o

Yvkr/kvrm