

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

[3418]

MONDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT APPEAL NO: 914 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 24/11/2021, in W.P. No. 30036 of 2021 on the file of the High Court.

Between:

Deverakonda Damayanthi, W/o. Anantha Chary, Aged. 55 years, Occ. Agriculture, R/o. Shivajinagar, Nalgonda Town And District.

...APPELLANT/WRIT PETITIONER

AND

1. The Sate of Telangana, Rep. by its Principal Secretary for Revenue, BRK Bhavan, Hyderabad.
2. The District Collector-Cum-The Court of The Special Tribunal, Nalgonda Constituted Under G.O.Ms.No.4 Revenue (Assignment-I) Department, Nalgonda District.
3. The Revenue Divisional Officer, Nalgonda Town and Nalgonda District.
4. The Tahsildhar, Nalgonda Mandal, Nalgonda District.
5. Singam Laxminarayana, S/o. Pitchaiah, Aged. Not Known, Occ. Not Known, R/o. H.No. 8-3-55, Near Government Hospital, Gollaguda area, Nalgonda Town, Nalgonda District.
6. Singam Parvathamma, W/o. Pitchaiah, Aged. Not Known, Occ. Not Known, R/o. H.No. 8-3-55, Near Government Hospital, Gollaguda area, Nalgonda Town, Nalgonda District.
7. Singam Bhadramma, W/o. Laxminarayana, Aged. Not Known, Occ. Not Known, R/o. H.No. 8-3-55, Near Government Hospital, Gollaguda Area, Nalgonda Town, Nalgonda District.
8. Pinnapureddy Venkat Reddy, S/o. Sathi Reddy, Aged. Not Known, Occ. Not Known, R/o. Anneparthy Village, Nalgonda Mandal, Nalgonda District.
9. Yeddulla Arunakar Reddy, S/o. Srinivas Reddy, Aged. Not Known, Occ. Not Known, R/o. Anneparthy Village, Nalgonda Mandal, Nalgonda District.
10. Pandiri Jana Reddy, S/o. Ram Reddy, Aged. Not Known, Occ. Not known R/o. Anneparthy Village, Nalgonda Mandal, Nalgonda District.

...RESPONDENTS/RESPONDNETS

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 orders dated 18/10/2021 in New Case No. F2/Spl.Tribunal/0161/2021 issued by the respondent No.2 by continuing the Revenue entries prior to 18/10/2021, pending disposal of the Writ Appeal

Counsel for the Appellant: SRI. PARSA ANANTH NAGESWAR RAO

**Counsel for the Respondent Nos. 1to4: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE**

Counsel for the Respondent Nos. 5to10:--

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.914 of 2024

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

Mr. Parsa Ananth Nageswar Rao, learned counsel for the appellant.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondents No.1 to 4.

2. Heard on the question of admission.
3. This intra court appeal has been filed against the order dated 24.11.2021 passed by the learned Single Judge by which the writ petition preferred by the appellant has been dismissed.
4. Facts giving rise to filing of this appeal briefly stated are that the appellant claims to be the owner and in possession of land in Survey Nos.238 and 299 measuring Acs.16.00 situated at Anneparthy Village of Nalgonda

Mandal, Nalgonda District. The appellant claims title on the basis of an agreement of sale. It is not in dispute that the appellant has filed a suit seeking the relief of specific performance of contract which is pending adjudication. The appellant, however, on the strength of the agreement of sale executed in her favour, got her name mutated in the revenue records. Against the aforesaid order passed by the Tahsildar, the respondents No.5 to 7 preferred an appeal before the Revenue Divisional Officer, which was dismissed on 04.08.2018. The order passed by the Revenue Divisional Officer was set aside by the Additional Collector without giving an opportunity of hearing to the appellant. Thereupon, the appellant filed the writ petition, namely W.P.No.10765 of 2021, which was disposed of by an order dated 26.04.2021 directing the District Collector to hear the matter afresh. The District Collector, by an order dated 18.10.2021, held that on the basis of agreement of sale, entry cannot be made in the revenue records. The said order was challenged in the writ petition before the learned Single Judge. The learned Single Judge, by an order dated

24.11.2021, dismissed the writ petition. Hence this appeal.

5. We have heard learned counsel for the appellant at length.

6. Admittedly, the appellant claims title at present only on the basis of the agreement of sale. The appellant has already instituted the suit for specific performance of the contract which is pending adjudication before the competent court. Therefore, the Additional Collector rightly directed the entries made in favour of the appellant in the revenue records to be set aside, as the agreement of sale cannot be considered as a transfer within the meaning of Section 5-A of the Andhra Pradesh Rights in Lands and Pattadar Pass Books Act, 1971 (see **Konkana Ravinder Goud v. Bhavanarishi Co-operative House Building Society, Hyderabad**¹). However, liberty is reserved to the appellant to prosecute the remedy of civil suit, which has already been availed of by her and the entries so made in the revenue records in pursuance of the order passed by

¹ 2003 (5) ALD 654 (DB)

the respondent No.2 dated 18.10.2021 shall be subject to outcome of the civil suit which has been filed by the appellant.

7. To the aforesaid extent, the order passed by the learned Single Judge is modified.

8. Accordingly, the appeal is disposed of.

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

SD/- K. SAILESHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary for Revenue, BRK Bhavan, T.S.,Hyderabad.
2. The District Collector-Cum-The Court of The Special Tribunal, Nalgonda Constituted Under G.O.Ms.No.4 Revenue (Assignment-I) Department, Nalgonda District.
3. The Revenue Divisional Officer, Nalgonda Town and Nalgonda District.
4. The Tahsildhar, Nalgonda Mandal, Nalgonda District.
5. One CC to SRI. PARSANANTH NAGESWAR RAO, Advocate [OPUC]
6. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

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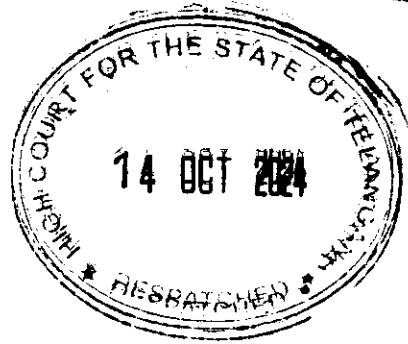
GJP

HIGH COURT

DATED:05/08/2024

JUDGMENT

WA.No.914 of 2024



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

(10) uvv
12/9/24