HIGH COURT FOR THE STATE OF TELANGANA

AT: HYDERABAD

W.P.NO: of 2021

Between

Cheepirishetti Raju S/O Janardhan aged 34 years

Occupation: Agriculture, R/O Thotlawada Dharmapuri,

Jagityal District.

Petitioner

AND

1. State of Telangana Represented by,

Prinicipal Secretary, Revenue. Secretariat Hyderabad.

2. The Special Tribunal, office of the District Collector, Jagityal.

3. The District Collector, Jagityal, Jagityal District.

4. The Revenue Divisional Officer at Jagityal, Jagityal District.

5. The Tahsildar, Dharmapuri, Dharmapuri Mandal, Jagityal District.

6. Cheepirishetti Rajanna @ Raju S/O Ramkishtaiah,Aged 32years, Occupation Agriculture. R/O Thotlawada Dharmapuri, Jagityal District.

AFFIDAVIT

I Cheepirishetti Raju S/O Janardhan aged 34 years Occupation Agriculture, R/O Thotlawada Dharmapuri, Jagityal District do hereby solemnly and sincerely state on oath as follows.

1. I am the writ petitioner herein hence well acquainted with the facts of the case and I am able to depose on oath as under.

2. It is submitted that the present writ petition is filed challenging the orders of the 2nd respondent in File No. D/ST/168/2021 – Case No. D1/412/2018 dated 18-06-2021, as unjust, illegal, and arbitrary against the principles of natural justice and set aside the same.

3. It is submitted that I am the absolute owner and possessor of land admeasuring Ac 1-06 Guntas in survey No.698/1, Rajaram Village Dharmapuri Mandal Jagityal District. The said land along with other lands was allotted to the share of the petitioners father in the family settlement. The petitioners father due to ill health could not manage the agricultural lands and executed a Registered Gift Deed dated: 11-05-2016 bearing document No.2491 of 2016 and delivered vacant physical position on the same day.

4. It is submitted that based on the Registered Gift Deed, the mutation was done in the revenue records and the Patta/Katha No.3555 was allotted and pattedar passbook and title deed was issued to the petitioner in respect of the said land.

5. It is submitted that the 6th respondent tried to interfere with the peaceful possession and enjoyment of the petitioner over the said land admeasuring Ac1.06guntas. Hence the petitioner was compelled to file a civil suit bearing OS No. 186 of 2017, on the file of the Prinicipal Civil Judge at Jagityal for perpetual Injunction. The Honorable court granted Ad-Interim Injunction dated 08-09-2017, in IA No.559 of 2017 and the same is in force.

6. It is submitted that the 6th respondent by suppressing the true and correct facts has filed an application before the 5th respondent for cancellation of the mutation proceedings granted in favour of the petitioner. The 5th respondent conducted an enquiry behind the back of the petitioner and submitted a report to the 4th respondent dated:21-12-2017 recommending for cancellation of mutation proceedings dated:13-08-2016 and the Pattadar Passbook issued in favor of the petitioner. The 4th Respondent vide Proceedings B/88/2018 Dated 14-03-2018 cancelled the mutation proceedings in favor of the petitioner without notice and also without hearing the petitioner which is against the principles of natural justice.

7. It is submitted that the 4th respondent in Proceedings B/88/2018 Dated 14-03-2018 has observed that the Thasildar has submitted a report which discloses that Cheepirishetti Rajanna s/o Ram krishnaiah had earlier submitted an application in Form No.10 on 14-06-2016 along with a simple sale deed dated 19-02-2003 executed by Cheepirishetti Janardhan s/o rajana and based on the said simple sale deed a 13-B certificate was issued under the Record of Rights Act (ROR)

8. It is submitted that aggrieved by the proceedings dated 14-03-2018, the petitioner has filed a Revision under Section 9 of the Telangana Rights in Pattadar Passbooks Act before the 3rd respondent. While the said Revision is pending as per the provisions of the Telangana Rights in land and Pattadar Passbooks Act 2020, all the cases were transferred to the special Tribunal Constituted under the said Act. The Case was taken up for Disposal and based on the material submitted by this petitioner and the arguments of the counsels, the Tribunal has set aside the orders of the 4th respondent dated 14-032018 in File No. B/88/2018 and also set aside the 13B certificate issued in favour of the 6th respondent and allowed the appeal by Order Dated 02-02-2021 in File No. D/Special Tribunal/168/2018.

9. It is submitted that aggrieved by the orders dated 02-02-2021 in File No. D/Special Tribunal/168/2018, the 6th respondent has filed Writ Petition bearing WP No 9305 of 2021 and this Hon’ble Court has granted Interim Suspension of the orders by observing “from the reading of the impugned order, It appears that the special tribunal has not assessed the respective claims in deciding the matter. The Interim suspension was valid till 30-06-2021. The writ petition is pending.

10. It is submitted that the 6th respondent has filed a petition before the 2nd respondent to take up the case for personal hearing. The Tribunal has reopened the petition and taken up the case for hearing on 12-05-2021, 14-06-2021 in the presence of the both parties and posted the case for hearing on 18-06-2021.

11. It is submitted that the Tribunal i.e the 2nd respondent herein pronounced the following order on 18-06-2021” in File No. D/ST/168/2021 – Case No. D1/412/2018 dated 18-06-2021perused the material on record, Since the interim orders of the High Court in WP No 9305 of 2021 are valid till 30-06-2021, the Revision petition is dismissed with a direction to Parties to pursue the matter in the Hon’ble court.

12. It is submitted that the main intension of referring the Revision filed under section 9 of the ROR act back to the Tribunal is that the parties be heard and after considering their contentions and taking into account the document filed, the Tribunal shall pass reasoned orders on merits. The order passed by the 2nd respondent is illegal against the principals of natural justice and without application of mind the same needs to be set aside. The Revision has not been adjudicated on merits. The Oder passed is in contravention of Article14 of the constitution of India. The effect of the present order dated 18-06-2021 shall result in making the writ Petition bearing WP No. 9305 of 2021 as infructuous.

13. It is submitted that the 6th respondent is trying to get the mutation in favor of the petitioner set aside and get the pattadar pass book cancelled on the ground that the Revision has been dismissed by order dated :18-06-2021 by the 2nd respondent in File No D/ST/168/2021 – Case No. D1/412/2018 dated 18-06-2021. If the operation of order dated 18-06-2021 in File No D/ST/168/2021 – Case No. D1/412/2018 dated 18-06-2021 is not suspended pending the writ petition it will cause grave and irreparable loss to the petitioner.

14. It is submitted that the this writ petition is filed mainly against the order dated :18-06-2021 of the 2nd respondent on the ground that the petitioner herein has not been heared and the petitioner is may be permitted to raise additional grounds regarding the validity of the order on legal principles and the facts.

15. I humbly submit that I have not filed any writ suit or any other proceedings in respect of the same cause of action before any other statutory authority, tribunal or court of law, seeking the reliefs sought for in the present writ petition.

Main Prayer:For the above stated facts and circumstances it is therefore prayed that this Hon’ble High Court may be pleased to issue a writ, order or direction more particularly a writ of Mandamus declaring the order passed by the 2nd respondent in File No D/ST/168/2021 – Case No. D1/412/2018 dated 18-06-2021 as unjust, illegal ,arbitrary , against the principles of natural justice and set aside the same and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.

Interim Prayer:Pending disposal of the writ petition this Hon’ble Court may be pleased to suspend the operation of the orders of the 2nd respondent in File No D/ST/168/2021 – Case No. D1/412/2018 dated 18-06-2021 as this Hon’ble Court deems fit and proper in the circumstances of the case.

Sworn and signed before me DEPONENT

On this day of July, 2021

At Hyderabad

Advocate: Hyderabad.

VERIFICATION

I Cheepirishetti Raju S/O Janardhan aged 34 years Occupation Agriculture, R/O Thotlawada Dharmapuri, Jagityal District, do hereby verify and declare that the facts stated in the above paragraphs of the affidavit are true to my personal knowledge, belief, information and also legal advise from my counsel.

Hence verified on this the day of July, 2021 at Hyderabad.

DEPONENT

Counsel for the Petitioner