

**IN THE HIGH COURT FOR THE STATE OF TELANGANA**

**AT: HYDERABAD**

**CORAM:**

**\* HON'BLE SRI JUSTICE K. LAKSHMAN**

**+ WRIT PETITION No.19941 OF 2024**

**% Delivered on: 28-08-2024**

**Between:**

# Mr. B. Yedukondala Raju & another .. Petitioners

Vs.

\$ The State of Telangana, rep.by Principal  
Secretary (Revenue), Secretariat, Hyd. & others .. Respondents

! For Petitioners : Mr. P. Rama Sharana Sharma

^ For Respondent Nos.1 to 3 : Mr. L. Ravinder, learned Asst.  
Govt. Pleader for Revenue

For Respondent Nos.4 to 6 : Mr. M.V. Hanumantha Rao

< Gist :

> Head Note :

? Cases Referred :

**HON'BLE SRI JUSTICE K. LAKSHMAN****WRIT PETITION No.19941 OF 2024****ORDER:**

Heard Mr. P. Rama Sharana Sharma, learned counsel for the petitioners, Mr. L. Ravinder, learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 3 and Mr. M.V. Hanumantha Rao, learned counsel for respondent Nos.4 to 6.

2. Petitioner No.1 is the husband of petitioner No.2. They are claiming that they are the absolute owners and possessors of the land admeasuring Acs.3.00 guntas in Survey No.294, situated at Khanapuram Village, Khammam Urban Mandal and District. They have purchased the said property under registered sale deed bearing document No.8094 of 2005, dated 26.05.2004, and document No.9743 of 2005, dated 27.03.2004 executed by the father of respondent Nos.4 to 6 i.e., Chandrakani Sathyanarayana.

i) Respondent Nos.4 to 6 and their mother filed a suit vide O.S. No.35 of 2009 against the petitioners herein seeking cancellation of the aforesaid sale deeds and recovery of possession. The same was dismissed on 31.07.2019 by learned VII Additional District Judge,

Khammam. Feeling aggrieved by the said judgment and decree, respondent Nos.4 to 6 filed an appeal vide A.S. No.69 of 2020 and the same is pending before this Court. Thus, there are disputes between the petitioners and respondent Nos.4 to 6 with regard to mutation proceedings issued in favour of the petitioners in respect of the subject property. W.P. No.18489 of 2013 filed by respondent Nos.4 to 6 against the Government and the petitioners is also pending.

ii) It is the further contention of the petitioners that with an intention to develop the subject land into residential plots, they have applied for conversion proceedings converting the subject land from agriculture to non-agriculture and obtained proceedings dated 03.10.2022 under the provisions of the Telangana Agricultural Land (Conversion for Non-Agricultural Purpose) Act, 2006 (for short 'NALA'). Basing on the said conversion proceedings, the petitioners have applied for Layout Application on 09.11.2022. Vide letter, dated 28.12.2022, respondent No.3 informed respondent No.2 that in view of the order passed by this Court, it is not appropriate to consider the issue of Layout Approval at this juncture. Basing on the said letter, respondent No.2 held up the proposals. Therefore, the petitioners herein have filed a writ petition vide W.P. No.5299 of 2023. Vide

order dated 03.04.2023, this Court directed Municipal Commissioner to process the Layout Application. Vide W.P. No.16729 of 2023, respondent Nos.4 to 6 herein challenged the conversion proceedings issued in favour of the petitioners. Vide order, dated 30.06.2023, this Court directed to maintain *status quo*. The petitioners filed vacate stay application vide I.A.No.2 of 2023 in the said writ petition. The petitioners herein have also filed a writ appeal vide W.A. No.41 of 2024 challenging the said *status quo* order. The said writ appeal was disposed of directing to take up said vacate stay application expeditiously. Vide order dated 30.04.2024 in I.A. No.2 of 2023 in W.P. No.16729 of 2023, a Division Bench of this Court while vacating the said *status quo* order, permitted respondent Nos.4 to 6 to avail the statutory appeal within fifteen (15) days from the date of receipt of copy of the said order.

iii) In compliance with the said order, respondent Nos.4 to 6 preferred an appeal before respondent No.3 in terms of Section - 8 of the NALA. They have also sought for suspension of NALA proceedings dated 03.10.2022 issued by the Tahsildar, Khammam Urban Mandal converting the subject land from agriculture to non-agriculture. Respondent No.3 in I.A.No.1 of 2024 in NALA Appeal

No.81/1650/2024 granted *interim* stay of all NALA orders issued vide proceedings Nos.2200820369 and 2200820 issued by the Tahsildar, Khammam Urban Mandal until disposal of the main appeal. Respondent No.3 has also issued notice dated 14.06.2024 posting the said appeal to 22.06.2024 for hearing.

3. Challenging the said order and notice issued by respondent No.3, the petitioners herein filed the present writ petition contending as follows:

- i. Respondent No.3 is not an Appellate Authority in terms of Section - 8 of the NALA. He has no power to grant *interim* stay.
- ii. Vide order dated 30.04.2024 in I.A. No.2 of 2023 in W.P. No.16729 of 2023, the Division Bench of this Court vacated the *interim* order dated 30.06.2023 in W.P. No.16729 of 2023 and granted permission to respondent Nos.4 to 6 to prefer statutory appeal. Therefore, the impugned suspension order, *interim* suspension order passed by respondent No.3 is contrary to the said order.

4. Whereas, respondent Nos.4 to 6 filed counter contending that respondent No.3 is the Appellate Authority in terms of Section - 8 of the NALA and he has power to grant *interim* order. It is not in violation of the order dated 30.04.2024 in I.A. No.2 of 2023 in W.P. No.16729 of 2023 passed by the Division Bench of this Court. The petitioners instead of participating in the said appeal, filed the present writ petition challenging the notice issued by respondent No.3 and the *interim* order passed therein.

5. In the light of the aforesaid rival submissions, it is apt to refer that Section - 2 (f) of NALA deals with definition of “Collector”, and it is extracted as under:

“2 (f) “Collector” means the District Collector in whose jurisdiction the agricultural land for which conversion is applied for is situated and also includes Joint Collector or any other officer not below the rank of the Joint Collector authorized by the Government to exercise the powers and perform the functions of the District Collector under this Act.”

6. Section - 2 (g) of NALA deals with definition of “Revenue Divisional Officer”, and it is extracted as under:

“2 (g) **“Revenue Divisional Officer”** means the Revenue Divisional Officer including Sub-Collector or Asst. Collector in whose jurisdiction the agricultural land or a part thereof is situated and includes any officer not below the rank of a Revenue Divisional Officer empowered by the Government to exercise the powers and perform the functions of the Revenue Divisional Officer under this Act.”

7. Section - 8 of NALA envisages that *any person aggrieved by an order of the Tahsildar may file an appeal before the Collector within sixty days of receipt of such order by the applicant.*

8. As discussed above, vide order dated 30.04.2024 the Division Bench of this Court while vacating *status quo* order dated 30.06.2023 granted permission to respondent Nos.4 to 6 to prefer statutory appeal in terms of Section - 8 of the NALA. Now, in compliance with the said order, respondent Nos.4 to 6 preferred the appeal before respondent No.3 vide NALA Appeal No.81/1650/2024.

9. In the light of the above said facts, the only issue that falls for consideration before this Court is, whether respondent No.3 has

power to entertain the appeal filed by respondent Nos.4 to 6 in terms of Section - 8 of the NALA.

10. As per Section - 8 of the NALA, appeal lies to the 'Collector'. As per Section - 2 (f) of the NALA, Collector includes 'Joint Collector or any other Officer not below the rank of the Joint Collector authorized by the Government to exercise the powers and perform the functions of the District Collector'. Likewise, Section - 2 (g) of the NALA defines 'Revenue Divisional Officer', and it means the Revenue Divisional Officer including Sub-Collector or Assistant Collector and includes any Officer not below the rank of a Revenue Divisional Officer empowered by the Government to exercise the powers and perform the functions of the Revenue Divisional Officer under the NALA. In view of the same, respondent No.3, being the Revenue Divisional Officer is not a 'Collector'. He is only a Revenue Divisional Officer. Section - 2 (f) says Collector includes 'Joint Collector', but not Sub-Collector or Assistant Collector. Therefore, RDO cannot be treated as Joint Collector.

11. In the light of the aforesaid discussion, respondent No.3 being the Revenue Divisional Officer has no jurisdiction to entertain



the appeal filed by respondent Nos.4 to 6 in terms of Section - 8 of the NALA. Thus, the notice dated 14.06.2024 issued by respondent No.3 in NALA Appeal No.81/1650/2024 is liable to be set aside and accordingly the same is set aside. The consequential *interim* stay of NALA orders issued by respondent No.3 vide proceedings Nos.2200820369 and 2200820 issued by the Tahsildar, Khammam Urban Mandal in I.A.No.1 of 2024 in NALA Appeal No.81/1650/2024 are also liable to be set aside and accordingly the same are set aside. However, liberty is granted to respondent Nos.4 to 6 to prefer appeal before respondent No.2 - District Collector within fifteen (15) days from the date of receipt of copy of this order.

12. The present Writ Petition is accordingly allowed. But, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

**28<sup>th</sup> August, 2024**

**K. LAKSHMAN, J**

**Note:** L.R. copy be marked.  
(B/O.) Mgr