

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION Nos: 19591 and 41351 of 2022

WRIT PETITION NO: 19591 of 2022

Between:

G.Venkateshwarlu, S/o. G.Ramulu, Aged about 54 years, Occ. RDO,
Hyderabad, R/o. 3-11-433, L.B.Nagar, Hyderabad-TS

...PETITIONER

AND

1. The State Of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat at Hyderabad
2. The Chief Commissioner of Land Administration, (CCLA) Nampally, Hyderabad-TS
3. The District Collector, Ranga Reddy District At Lakdikapool, Hyderabad-TS

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to call for records by ordering Rule Nisi in connection to initiating enquiry against the Petitioner by the Respondents more particularly the Respondent No.3 by passing an Order dt.19-02-2020 in File No.A3/996/2020 by declaring their action as arbitrary, highhanded, discriminatory, ex-facie illegal, in violation of principles of natural justice, by giving colourable exercise to its statutory powers in dereliction of duty, and consequently may set-aside the same in the interest of justice.

IA NO: 1 OF 2022

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 dt.19-02-2020 in File No.A 3/996/2020 passed by the Respondents more particularly the Respondent No.3 including the stay of enquiry against the Petitioner pending disposal of the above writ Petition.

IA NO: 1 OF 2025

Between:

1. The State Of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat at Hyderabad
2. The Chief Commissioner of Land Administration, (CCLA) Nampally, Hyderabad-TS
3. The District Collector, Ranga Reddy District At Lakdikapoli, Hyderabad-TS

...PETITIONERS

AND

G.Venkateshwarlu, S/o. G.Ramulu, Aged about 54 years, Occ. RDO, Hyderabad, R/o. 3-11-433, L.B.Nagar, Hyderabad-TS

...RESPONDENT

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 vacate the interim orders dated 27-04-2022 passed in W.P. No. 19591 of 2022 in the interest of justice, to enable the respondents to conclude the pending proceedings in accordance with law.

**Counsel for the Petitioner: SRI B.MAYUR REDDY, Sr. COUNSEL, REP.
SMT P.CHANDANA**

Counsel for the Respondents: GP FOR SERVICES-I

WRIT PETITION NO: 41351 of 2022

Between:

G.Venkateshwarlu, S/o. G.Ramulu Aged about 54 years, Occ RDO, Hyderabad, R/o. 3-11-433, L.B.Nagar, Hyderabad-TS

...PETITIONER

AND

1. The State of Telangana, Rep. by its Chief Secretary, Revenue Department, Secretariat at Hyderabad
2. The Principal Secretary, Revenue Department, Secretariat at Hyderabad-TS
3. The Chief Commissioner of Land Administration (CCLA), Nampally, Hyderabad-TS
4. The District Collector, Ranga Reddy District At Lakdikapool, Hyderabad-TS

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.1 in passing an Order dt.04-11- 2022 in G.O.Rt.No.348 against the Petitioner herein for framing charges etc when the whole process against the Petitioner is already stayed as illegal and unconstitutional and consequently set aside the Order dt. 04-11-2022 in G.O.Rt.No.348 while making it clear that an officer cannot be proceeded against when he is implementing the Orders of Courts.

IA NO: 1 OF 2022

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 dt.04-11-2022 in G.O.Rt.No.348 passed by the Respondent No.1 so that the Respondents do not proceed any further in any manner, pending disposal of the main Writ Petition.

IA NO: 1 OF 2025

Between:

1. The State of Telangana, Rep. by its Chief Secretary, Revenue Department, Secretariat at Hyderabad
2. The Principal Secretary, Revenue Department, Secretariat at Hyderabad-TS
3. The Chief Commissioner of Land Administration (CCLA), Nampally, Hyderabad-TS
4. The District Collector, Ranga Reddy District At Lakdikapool, Hyderabad-TS

...PETITIONERS

AND

G.Venkateshwarlu, S/o: G.Ramulu Aged about 44 years, Occ RDO,
Hyderabad, R/o. 3 -11-433, L.B.Nagar, Hyderabad-TS

...RESPONDENTS

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 vacate the interim orders dt.14-11-2022 in WP.No.41351 of 2022 and dismiss the Writ Petition, pending disposal of the writ petition.

**Counsel for the Petitioner: SRI B.MAYUR REDDY, Sr. COUNSEL, REP.
SMT P.CHANDANA**

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following: COMMON ORDER

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No. 19591 & 41351 of 2022

COMMON ORDER:

Heard Sri B.Mayur Reddy, learned senior designated counsel representing Smt. Porika Chandana, learned counsel appearing on behalf of the petitioner on record and learned Government Pleader for Services-I appearing on behalf of the respondents.

2. The petitioner approached the Court seeking prayer in W.P.No.19591 of 2022 as under:

"...to issue a Writ, Order or Direction more particularly one in the nature of "Writ of Mandamus" to call for records by ordering Rule Nisi in connection to initiating enquiry against the Petitioner by the Respondents more particularly the Respondent No. 3 by passing an Order dt 19.02.2020 in File No. A3/996/2020 by declaring their action as arbitrary, highhanded, discriminatory, ex-acie, illegal, in violation of principles of natural justice, by giving colourable exercise to its statutory powers in dereliction of duty, and consequently may set-aside the same in the interest of justice and may pass..."

3. The petitioner approached the Court seeking prayer in W.P.No.41351 of 2022 as under:

"...to issue a Writ, Order or Direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the Respondent No. 1 in passing an Order dt 04.11.2022 in G.O.Rt. No. 348 against the Petitioner herein for framing charges etc when the whole process against the Petitioner is already stayed as illegal and unconstitutional and

consequently set-aside the Order dt 04.11.2022 in G.O.Rt No.348 while making it clear that an officer cannot be proceeded against when he is implementing the Orders of Courts and pass..."

The petitioner in W.P.No.19591 of 2022 and the petitioner in W.P.No.41351 of 2022 are the same.

4. The case of the petitioner, in brief as per the averments made by the petitioner in the affidavit filed by the petitioner in support of W.P.No.19591 of 2022 is as under:

The petitioner, while acting strictly in accordance with the decrees of competent civil courts that had affirmed title in favour of private parties and whose findings had attained finality up to the Supreme Court, passed mutation orders in respect of certain lands. The petitioner was himself a party to the underlying civil suits, and non-compliance with the court decrees would have exposed petitioner to contempt proceedings, as mutation entries are fiscal in nature, do not confer title, and do not prevent the Government from initiating independent proceedings under the Agricultural Ceiling Act.

It is further the case of the petitioner that despite being aware of these facts and relevant judicial pronouncements,

Respondent No. 3 issued disciplinary enquiry order against the petitioner on 19.02.2020, alleging failure to verify revenue records, improper land classification, prior handover to APIIC, and lack of prior permission from district authorities. As the enquiry had not yet commenced and no effective alternative remedy was available, the petitioner approached this Court, seeking a writ of mandamus to call for records to declare the enquiry order illegal and unconstitutional, and set it aside, along with interim relief suspending the enquiry to prevent irreparable harm and abuse of process.

5. The case of the petitioner, in brief, as per the averments made by the petitioner in the affidavit filed by the petitioner in support of present W.P.No.41351 of 2022 is as under:

The petitioner was responsible for the revenue administration of land in Sy.No.613, Nadergul Village, Ranga Reddy District, which was subject to prolonged civil litigation. The Supreme Court, on 09.10.2015, confirmed ownership in favour of private parties, and registered sale deeds were executed in 2014. The purchasers applied for mutation in 2016, and the petitioner, after seeking objections, legal opinions, and instructions from higher

authorities but having failed to receive any guidance from superior officers, passed the mutation orders on 14.09.2016. The orders were however made subject to third-party claims, future court outcomes, and government instructions.

It is further the case of the petitioner that subsequent disputes arose when applications for non-agricultural land conversion were rejected, leading to writ petitions being dismissed by the High Court in 2020, which noted the petitioner's compliance with judicial decrees.

It is further the case of the petitioner that despite this, departmental authorities initiated an enquiry in February 2020, alleging procedural lapses. The petitioner challenged the same through W.P. No. 19591 of 2022, and the High Court stayed the enquiry on 27.04.2022. While the enquiry remained stayed, the State Government, via G.O. Rt. No. 348 dated 04.11.2022, initiated fresh proceedings on the same subject. Aggrieved by this, the petitioner filed the present writ petition seeking the quashing of the government order.

6. PERUSED THE RECORD:

A) The interim orders, dated 27.04.2022 passed in favour of the petitioner in W.P.No.19591 of 2022 is extracted hereunder:-

The case of the petitioner is that mutation proceedings vide order dated 24.09.2016 were issued pursuant to the judgment of the Supreme Court in Civil Appeal No.2963 of 2013 dated 09.10.2015. However, without reference to the judgment of this Court A.S.No.274 of 2007 dated 19.12.2011 and the judgment of the Supreme Court in Civil Appeal No.2963 of 2013 dated 09.10.2015, imputations are made against the petitioner alleging that orders are passed by without following the procedure contemplated under the A.P. Rights in Land And Pattadar Passbooks Act, 1971 (for short the Act') and the Rules made thereunder and violating the time to time instructions issued by the District Administration. There is also reference to the revenue records i.e. Khasra Pahanies of Nadargul village wherein land in Sy.No.613 was classified as Dastagardan. A further point raised is that the Government has not issued orders for implementing the judgment of the Supreme Court dated 09.10.2015.

It needs to be noted, as per Section 8 of the Act, the recording authority is bound to Implement the orders of a civil Court. The matter has attained finality in Appeal Suit No.274 of 2007 dated 19.12.2011 and confirmed by the Supreme Court vide judgment dated 09.10.2015 in Civil Appeal No.2963 of 2013. Merely because permission is not obtained from the Government for implementing the judgment of the Supreme Court, it cannot be said that the provisions of the Act and the Rules thereunder or instructions issued by the District Administration are not being followed and the same amounts to misconduct.

Regarding delay, learned counsel for the petitioner submitted that though the impugned order was passed on 19.02.2020, it was received by the petitioner recently, which is seriously disputed by the learned Assistant Government Pleader for Services II.

Irrespective of the delay, in the light of the above discussion this Court is of the opinion that the petitioner has made out a prima facie case for grant of interim order.

In the facts and circumstances of the case, there shall be interim suspension as prayed for.

The above said interim orders are in force as on date.

B) The order impugned, G.O.Rt.No.348, dated 04.11.2022 passed by the respondent No.1 in W.P.No.41351 of 2022, is extracted hereunder:-

It is proposed to hold an inquiry against Sri.G.Venkateshwarlu, the then Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District in accordance with the procedure laid down in Rule 20 of Telangana State Civil Services (Classification, Control & Appeal) Rules, 1991,

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure-1). A Statement of imputation of misconduct or Misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents, by, which, and a list of witness by whom, the article of charges are proposed to be sustained are also enclosed. (Annexure-III & IV).

3. Sri. G. Venkateshwarlu, the then Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri. G. Venkateshwarlu, the then Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore specifically admit or deny each article of charge.

5. Sri. G. Venkateshwarlu, the then Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District is further informed that if he does not submit his written statement of defence on or before the date specified in

para-3 above further action will be processed based on the material available.

6. Attention of Sri.G. Venkateshwarlu, the then Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District is invited to Rule 24 of Telangana State Civil Service (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri. G. Venkateshwarlu, the then Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Telangana State Civil Services (Conduct) Rules, 1964.

7. The receipt of the G.O may be acknowledged.

C) The interim orders, dated 14.11.2022 passed in favour of the petitioner in W.P.No.41351 of 2022 is extracted hereunder:-

Learned Government Pleader for Services-II takes notice for respondent Nos.1 to 4

I.A.No.1 of 2022 is filed seeking direction to Suspend the operation of the Order dated 04.11.2022 in G.O.Rt.No.348, passed by the respondent No.1, so that the respondents do not proceed any further in any manner, pending disposal of the main Writ Petition.

Learned counsel for the petitioner submits that earlier the petitioner filed W.P.No.19591 of 2022 and in I.A.No.1 of 2022 in W.P.No.19591 of 2022, prayed to suspend the operation of the Order dated 19.02.2020 in File No.A3/996/2020 passed by the respondents more

particularly the respondent No.3 including the stay of enquiry against the Petitioner pending disposal of writ petition and this Court by order dated 27.04.2022 passed the following order:-

"The case of the petitioner is that mutation proceedings vide order dated 24.09.2016 were issued pursuant to the judgment of the Supreme Court in Civil Appeal No.2963 of 2013 dated 09.10.2015. However, without reference to the judgment of this Court A.S.No.274 of 2007 dated 19.12.2011 and the judgment of the Supreme Court in Civil Appeal No.2963 of 2013 dated 09.10.2015, imputations are made against the petitioner alleging that orders are passed by him without following the procedure contemplated under the A.P. Rights in Land And Pattadar Passbooks Act, 1971 (for short 'the Act') and the Rules made thereunder and violating the time to time instructions issued by the District Administration. There is also reference to the revenue records i.e., Khasra Pahanies of Nadergul village wherein land in Sy.No.613 was classified as Dastagardan. A further point raised is that the Government has not issued orders for implementing the judgment of the Supreme Court dated 09.10.2015.

It needs to be noted, as per Section 8 of the Act, the recording authority is bound to implement the orders of a civil Court. The matter has attained finality in Appeal Suit No.274 of 2007 dated 19.12.2011 and confirmed by the Supreme Court vide judgment dated 09.10.2015 in Civil Appeal No.2963 of 2013. Merely because permission is not obtained from the Government for implementing the judgment of the Supreme Court, it cannot be said that the provisions of the Act and the Rules thereunder or instructions issued by the District Administration are not being followed and the same amounts to misconduct.

Regarding delay, learned counsel for the petitioner submitted that though the impugned order was passed on 19.02.2020, it was received by the petitioner recently, which is seriously disputed by the learned Assistant Government Pleader for Services-II irrespective of the delay, in the light of the above discussion this Court is of the opinion that the petitioner has made out a prima facie case for grant of interim order.

In the facts and circumstances of the case, there shall be interim suspension as prayed for."

Thereafter, the respondent No.1 issued impugned orders vide G.O.Rt.No.348 dated 04.11.2022, initiating Articles of charges against the petitioner when the whole process against the petitioner is already suspended by order, dated 27.04.2022 in W.P.No.19591 of 2022.

Prima facie the impugned order issued by respondent No.1, vide G.O.Rt.No.348 dated 04.11.2022, is not sustainable and is against the order of this Court in WP.No.19591 of 2022 dated 27.04.2022, which is pending till date. In view of the same there shall be interim suspension of G.O.Rt.No.348 dated 04.11.2022, for a period of (04) four weeks.

Learned Government Pleader for Services-II seeks time to file counter.

The said interim orders are in force as on date.

D) The counter affidavit filed on behalf of the respondent No.1 in W.P.No.19591 of 2022 and in particular para Nos.4 to 9 are extracted hereunder:-

4. It is submitted that, the following article of charges were framed against the petitioner on the following charges /imputations as below:-

a. The Revenue Divisional Officer, Kandukur Division has reported that, as per basic Revenue Records i.e., Khasra Pahani of Nadergul Village the land in Sy.No.613 extent Ac.373-22gts is classified as "Dasthagardhan" and Shivaraj Ilaka is recorded in Pattadar Column.

b. On perusal of the mutation orders dated 24-09-2016 passed by the Deputy Collector & Tahsildar, Saroornagar Mandal, the following lacunas noticed and also passed orders without

following the laid down procedure as contemplated in the ROR Act & Rules and also violating the time to time instructions issued by the District Administration.

i) The classification of the land Sy.No.613 is clearly shown in base record i.e., Khasra Pahani (1954-55) is Das hugardhan and no ORCs were issued by the competent authority.

ii) No orders were issued from the Government for implementation of Apex court orders dated 09-10-2015 as the entire land of Ac.373-22 gts was handed over to the APIIC in the year 2007 for development of Hardware Park.

iii) The land is notified in 22-A Prohibitory Properties maintained by the Registration Department.

iv) No orders were received from the competent authority de-notifying the subject land from 22-A Prohibitory Properties

v) The Deputy Collector & Tahsildar, Saroornagar has failed to verify the ground status and occupation of the land claiming by the companies,

vi) The Deputy Collector & Tahsildar, Saroornagar has passed mutation orders without verifying the ceiling aspect.

vii) The Deputy Collector & Tahsildar being the custodian of land records, should have verified the ground possession with reference to the revenue records before granting of mutation against the interest of Government.

5. It is submitted that, the petitioner herein would have wait under the approval from the Government when there is a huge extent of Government land is involved before passing mutation orders and also passed the mutation orders without de-notifying the subject lands from the 22-A Register by competent authority which is a grave irregularity.

6. It is submitted that, as per rule 20 (2) of the CCA rules whenever the disciplinary authority is of the opinion that there are grounds for enquiring into the truth of any imputation of misconduct or misbehavior against a government servant it may inquire into or appoint under this rule as the case may be

authority to enquire into the truth thereof. The Deputy Collector & Tahsildar has shown clearly dereliction of duties and sheer negligence towards his duty has violated the above rules has caused cumbersome litigations by passing the mutation orders involving 150 acres of Land whose original classification was Dastugardhan and vests with the Government unless a declaration under ceiling on holdings Act was made.

7. It is submitted that, as per the TSCS CCA rules, every subordinate employee is governed by certain rules and regulations which are meant to be scrupulously followed, but in this case the present writ petitioner and the then Deputy Collector and Tahsildar Sarooranagar Mandal is trying to escape by quoting certain general rules from the root cause of the issue and Decree of the Hon'ble Trial Court. But, being a Deputy Collector Rank the Officer ought to have taken steps other than passing the mutation orders and creating an unwanted litigation over valuable Government interested lands. In this regard it is relevant to submit that, it is not the case of the petitioner that, the present action of the Respondents in initiating disciplinary action is without jurisdiction or competency.

Therefore, the very Writ Petition is not maintainable against charge memo, and it is not a case that, the authorities already arrived a conclusion with pre-determined mind and nothing held against him except issuing charge memo and calling explanation.

8. It is submitted that, the Government is the appointing authority and Disciplinary Authority in respect of the official in the rank of Deputy Collector and above and has special powers under CCA rules to enquire and frame charges by giving ample opportunity to the officers on whom imputations were drawn, that too it is only charge memo, being issued calling for explanation, the petitioner as well can give his explanation defending his case. Instead, hurriedly approached this Hon'ble Court by way of filing present W.P.

In view of the above and since there are huge extent of Government lands involved and the petitioner passed mutation orders without consulting the Government. Such is the reason to find out the role of the Writ Petitioner, the Disciplinary Authorities by exercising their powers rightly initiated Departmental proceedings by way of framing specific charge,

calling explanation from the delinquent employee. Instead of submitting his explanation if any in a hurried manner approached this Hon'ble Court, questioning the charge memo's by raising certain untenable grounds. It is well settled proposition of law, no writ lie against charge memo, or to show cause notice, as held by many catena of judgments of Hon'ble Apex Court as well as this Hon'ble Court.

9. It is further submitted that, it is not a case of successive/repeated enquiries against a same issue, **it is only at the stage of calling explanation from the Delinquent Employee by way of issuing charge memo. Therefore, the petitioner without submitting his explanation approached this Hon'ble Court, and obtained interim orders.** In this regard it is further submitted that as stated supra, No writ lie against charge memo. Therefore, in the interest of administration, to enable the Department to proceed further in tune with procedure contemplated under Rule 20 of CCA Rules, this Hon'ble Court may be pleased to vacate the interim orders.

E) The counter affidavit filed on behalf of the respondent No.4 in W.P.No.41351 of 2022 and in particular para Nos.4 to 8 are extracted hereunder:-

4. It is submitted that, the following article of charges were framed against the petitioner on the following charges/imputations as below:-

a. The Revenue Divisional Officer, Kandukuru Division has reported that, as per basic Revenue Records i.e. Khasra Pahani of Nadergul Village the land in Sy.No.613 extent Ac.373-22gts is classified as "Dasthagardhan" and Shivaraj Ilaka is recorded in Pattadar Column.

b. On perusal of the mutation orders dated 24-09-2016 passed by the Deputy Collector & Tahsildar, Saroornagar Mandal, the following lacunas noticed and also passed orders without following the laid down procedure as contemplated in the ROR Act & Rules and also violating the time to time instructions issued by the District Administration.

i) The classification of the land Sy.No.613 is clearly shown in base record i.e., Khasra Pahani (1954-55) is Dasthugardhan and no ORCs were issued by the competent authority.

ii) No orders were issued from the Government for implementation of Apex court orders dated 09-10-2015 as the entire land of Ac.373-22 gts was handed over to the APIIC in the year 2007 for development of Hardware Park.

iii) The land is notified in 22-A Prohibitory Properties maintained by the Registration Department.

iv) No orders were received from the competent authority denotifying the subject land from 22-A Prohibitory Properties.

v) The Deputy Collector & Tahsildar, Saroornagar has failed to verify the ground status and occupation of the land claiming by the companies.

vi) The Deputy Collector & Tahsildar, Saroornagar has passed mutation orders without verifying the ceiling aspect.

vii) The Deputy Collector & Tahsildar being the custodian of land records, should have verified the ground possession with reference to the revenue records before granting of mutation against the interest of Government.

viii) The Deputy Collector & Tahsildar being the custodian of land records, should have verified the ground possession with reference to the revenue records before granting of mutation against the interest of Government.

5. It is submitted that, the petitioner herein would have wait under the approval from the Government when there is a huge extent of Government land is involved before passing mutation orders and also passed the mutation orders without denotifying the subject lands from the 22-A Register by competent authority which is a grave irregularity.

6. It is submitted that, according to rule 20 (2) of the CCA rules whenever the disciplinary authority is of the opinion that there are grounds for enquiring into the truth of any imputation of misconduct or misbehavior against a government servant it may

inquiry into or appoint under this rule as the case may be authority to enquire into the truth thereof. The Deputy Collector & Tahsildar has shown clearly dereliction of duties and sheer negligence towards his duty has violated the above rules has caused cumbersome litigations by passing the mutation orders involving 150 acres of Land whose original classification was Dastugardhan and vests with the Government unless a declaration under ceiling on holdings Act was made.

7. It is submitted that, as per the TSCS CCA rules, every subordinate employee is governed by certain rules and regulations which are meant to be scrupulously followed, but in this case Sri G. Venkateshwarlu the then Deputy Collector and Tahsildar Saroornagar Mandal is trying to escape by quoting certain general rules from the root cause of the issue as stated supra just merely based on a decree of the court. This authority has high respect towards the Judiciary. Being a Deputy Collector Rank the Officer ought to have taken steps other than passing the mutation orders and creating an unwanted litigation over valuable Government interested lands. Therefore, it is humbly prayed to restore the departmental action vide G.O RT 348., Dt 04.11.2022., in the interest of Justice and in the interest of protecting huge government interest.

8. It is submitted that, there is nothing to hold against the individual unilaterally if it is not proved against him. As alleged by the petitioner herein, Yes, the individual may have recently promoted to the post of SGDC, just by calling for Explanation means arbitrariness and mere questioning the act of the Deputy Collector will never cause to injustice and not at all cause any irreparable loss if enquiry precedes his fear of losing service benefits and the earlier W.P will become infructuous is just a fear of the Deputy Collector and nothing but withholding this authority from exercising its statutory powers and diluting the gravity of the case.

DISCUSSION AND CONCLUSION:-

7. The learned senior designated counsel appearing on behalf of the petitioner mainly puts-forth the following submissions in support of the petitioner's case.

i) The present set of writ petitions arise out of disciplinary action initiated against the Petitioner in connection with mutation orders dated 24.09.2016 passed while petitioner was holding the post of Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District, in compliance with final judicial decrees of the High Court and Supreme Court.

ii) On 30.04.2007, the Principal District Judge, Ranga Reddy District dismissed O.S. No. 155 of 2005 filed by one Pratab Karan and 16 others seeking declaration of title, injunction, and rectification of revenue records for land in Sy. No. 613, Nadergul Village.

iii) On 19-12-2011 in A.S. No. 274 of 2007, this Court, by majority opinion, reversed the trial court's judgment and decreed the suit in favour of the plaintiffs. On 09.10.2015, the Supreme Court in Civil Appeal Nos. 2963 & 2964 of 2013 upheld the High Court's judgment, thus finalising the title of the plaintiffs.

iv) On 01.09.2014, the decree-holders sold 50 acres each to M/s Omega Development Ventures Pvt. Ltd. and M/s Alfa Estate

Holding Pvt. Ltd. Thereafter, on 08.02.2016, the purchasers applied for mutation of their names in the revenue records. Between February and September 2016, the Petitioner while discharging his duties sought objections from the public, legal opinion from the Government Pleader, and instructions from the Government and the District Administration, but however failed to receive any response.

v) On 24.09.2016, under threat of contempt and in view of binding decrees, the Petitioner passed three mutation orders in favour of the purchasers, very clearly stipulating that the said orders are subject to claims of third parties, outcome of pending cases, and further Government instructions.

vi) Based on these mutations, the purchasers applied for NALA conversion, which was rejected by the RDO, Mandukur. The purchasers thereafter challenged the same by filing W.P. Nos. 22471, 22487 & 22489 of 2019 and the same was dismissed by this Court on 12.02.2020.

vii) Curiously on 19.02.2020, the District Collector Ranga Reddy District, issued proceedings in File No.A3/996/2020 initiating an enquiry against the Petitioner. Challenging the same, the Petitioner filed W.P. No. 19591 of 2022. On 27.04.2022, this

Court granted interim suspension of the impugned proceedings, dated 19.02.2020, very clearly observing that the implementation of a final Supreme Court decree cannot amount to misconduct.

viii) While the said writ petition was still pending, on 04.11.2022, the State Government issued G.O.Rt. No. 348 initiating departmental proceedings against the petitioner under Rule 20 of the Telangana CCA Rules on the same subject, framing the same articles of charge and calling for the petitioner's explanation.

ix) The petitioner approached this Court aggrieved by the said action by filing W.P. No. 41351 of 2022. On 14.11.2022, this Court granted interim suspension of G.O.Rt. No. 348 for a period of four(04) four weeks, observing that the proceedings initiated vide the impugned G.O.Rt.No.348, dated 04.11.2022 were contrary to the earlier order granted in favour of the petitioner, dated 27.04.2022 passed in W.P.NO.19591 of 2022 filed by the petitioner on an earlier occasion. The interim orders granted in W.P.No.41351 of 2022 were ordered to be continued until further orders vide order of this Court, dated 02.03.2023 and the said orders are in force as on date.

x) **In view of the fact that the impugned proceedings in File No.A3/996/2020, dated 19.02.2020 prejudged and predetermined the subject issue against the petitioner herein at the threshold of show-cause notice itself, the entire enquiry would be rendered a futile exercise.**

xi) **The impugned proceedings, dated 19.02.2020 of the District Collector, Ranga Reddy District, in File No. A3/996/2020, clearly indicate that the disciplinary Authority had prejudged the subject issue, and any enquiry, if allowed to be conducted, would eventually put the petitioner into serious hardship.**

xii) The petitioner discharged his duties, duly taking into consideration the verdict of the Apex Court and the three mutation orders passed by the petitioner clearly stipulated that the said orders were subject to claims by 3rd parties, the outcome of the pending cases and further Government instructions, and hence, there is no illegality with respect to the charges alleged against the petitioner and the impugned proceedings, dated 19.02.2020 of the District Collector, Ranga Reddy District. Accordingly, the petitioner is entitled for the relief

as prayed for by the petitioner in W.P.No.19591 of 2022 and the W.P.no.19591 of 2022 needs to be allowed as prayed for.

xiii) The W.P.No.41351 of 2022 had been filed by the petitioner challenging the G.O.Rt.No.348, dated 04.11.2022, issued under the Rule 20 of the Telangana CCA Rules on the same subject, framing the same articles of charge and calling for the petitioner's explanation. In view of the fact that this Court had already granted stay in favour of the petitioner vide its order, dated 27.04.2022 passed in W.P.No.19591 of 2022, the subsequent departmental proceedings initiated against the petitioner under Rule 20 are only intended to harass the petitioner, indicating a colourable exercise of power, and are arbitrary and in violation of the orders of this Court, dated 27.04.2022 passed in favour of the petitioner in W.P.No.19591 of 2022

Based on the aforesaid submissions, the learned senior designated counsel appearing on behalf of the petitioner contends that W.P.Nos. 19591 & 41351 of 2022 need to be allowed as prayed for by the petitioner in the present writ petitions.

8. Learned Government Pleader for Services-I appearing on behalf of the respondents on the other hand placing reliance on the averments made in the counter affidavit filed by the 1st respondent in W.P.No.19591 of 2022 mainly puts-forth the following submissions: -

- i) The articles of charge were framed against the petitioner in view of the fact that the petitioner did not await the approval from the Government prior to issuing the subject mutation orders.
- ii) The huge extent of Government's land is involved and therefore, the approval of the competent Authority i.e., the Government is necessary
- iii) As per Rule 20(2) of the Telangana CCA Rules, whenever the disciplinary authority is of the opinion that there are grounds for enquiring into the truth of misconduct or misbehaviour against the Government servant, the respondents have the power to conduct an enquiry and to go into truth thereof.
- iv) The petitioner created an unwanted litigation over valuable Government interested lands by passing mutation orders instead of informing the Government and taking necessary steps other

than passing mutation orders. Hence, the writ petition is not maintainable against the charge memo.

v) The petitioner approached this Court at a premature stage It is not correct to say that the Authorities already arrived at a conclusion with a pre-determined mind, when in fact nothing has been held against the petitioner except the issuance of a charge memo and calling for the petitioner's explanation. It is only a charge memo that has been issued calling for petitioner's explanation, and the petitioner can submit petitioner's explanation defending petitioner's case. Instead of submitting an explanation, the petitioner approached this Court hastily by filing the present writ petition.

vi) Since a huge extent of Government land is involved and since the petitioner passed mutation orders without consulting the Government, the Disciplinary Authorities by exercising their powers, have rightly initiated Departmental proceedings by way of framing specific charges against the petitioner, calling for an explanation from the petitioner. There is no illegality in the action of respondents herein. The Apex Court, in the judgment reported in 2006 (12) SCC 28 between Union of India Vs. Kunisetty Satyanarayana, categorically held that the writ does



not lie against a charge memo or show cause notice, since the charge memo or show cause notice does not give rise to any cause of action as it does not adversely affect the rights of any party.

vii) The learned Government Pleader for Services-I appearing on behalf of the respondents in support of his submissions placed reliance on the following Apex Court judgments:-

- i) In State of U.P. Vs. Brahma Datt Sharma, reported in 1987(2) SCC 179
- ii) In Secretary, Ministry of Defence & Others Vs. Prabhash Chandra Mirdha reported in 2012(11) SCC 565
- iii) In State of Orissa Vs. Sangam Jeshari Misra, reported in 2010 (13) SCC 311
- iv) In Union of India Vs. Upendra Singh reported in 1994 (3) SCC 357

9. Learned Government Pleader for Services-I appearing on behalf of the respondents on the other hand placing reliance on the averments made in the counter affidavit filed by the 4th respondent in W.P No.41351 of 2022, mainly puts-forth the following submissions:-

i) On perusal of the mutation orders granted by the petitioner, dated 24.09.2016, certain lacunas came to light since the petitioner passed the orders without following the laid down procedure as contemplated under the ROR Act & Rules, in violation of the instructions issued from time to time by the District Administration. Further, the subject land is a huge extent of Government land and the petitioner passed mutation orders without denotifying the subject lands from the 22-A Register by competent Authority, which amounts to a grave irregularity, without intimating to the Government and without obtaining approval from the Government.

ii) The departmental action initiated against the petitioner vide G.O.Rt.No.348, dated 04.11.2022 is in the interest of justice and for protecting huge government interest. Although, the same had been stayed by this Court, in view of the fact that the subject lands are valuable Government lands, the disciplinary proceedings initiated against the petitioner are warranted and necessary. There is no illegality in the action initiated by the respondents against the petitioner. Therefore, the interim orders granted in favour of the petitioner, dated 27.04.2022 passed in W.P.No.19591 of 2022 and the interim order, dated 14.11.2022

passed in W.P.No. 41351 of 2022 need to be vacated in the interest of justice and the writ petitions need to be dismissed.

Based on the aforesaid submissions, the learned Government Pleader for Services-I appearing on behalf of the respondents contends that the petitioner in W.P.Nos.19591 & 41351 of 2022 is not entitled for any relief as prayed for by the petitioner in the present writ petitions.

DISCUSSION AND CONCLUSION:-

10. A bare perusal of the subject column referred to in the impugned notice, dated 19.02.2020 of the 3rd respondent issued to the petitioner clearly indicates that the initiation of the disciplinary action against the petitioner herein was for the reason that petitioner recommended illegally to grant mutation in Government land. The above observations in the subject column of the order impugned in the present writ petition, dated 19.02.2020 itself indicates that disciplinary authority had unilaterally concluded the enquiry holding that the petitioner had illegally recommended the grant of mutation in Government lands.

11. Para No.6 of the impugned proceedings, vide No.A3/996/2020 dated 19.02.2020 of the 3rd respondent is extracted hereunder:-

6. Attention of Sri.G. Venkateshwarlu, Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District is invited to Rule 24 of the A.P. Civil Services (Conduct) Rules 1964, under which no Government Servant shall bring or attempt to bring any political or out side influence to bear upon any superior Authority to further his interest in respect of matters pertaining to his services under the Government. If any representation is received on his behalf from another person in respect of any matter deal within these proceedings it will be presumed that Sri.G.Venkateshwarlu, Deputy Collector & Tahsildar, Saroornagar Mandal, Ranga Reddy District is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 24 of the APCS (Conduct) Rules, 1964.

12. A bare perusal of para No.6 (referred to and extracted above) of the impugned order of the 3rd respondent herein, dated 19.02.2020 clearly indicates that the 3rd respondent is biased against the petitioner. The petitioner is warned that action would be taken against the petitioner under Rule 24 of the APCS (Conduct) Rules, 1964 contending that if the petitioner attempts to bring any political or out side influence to bear upon any superior Authority to further any interest in respect of matters pertaining to petitioner's services

under the Government, it would be presumed that the petitioner herein is aware of such a representation, and that action would be initiated against the petitioner.

13. This Court opines that the initiation of disciplinary proceedings against the petitioner at the threshold of show-cause notice itself indicate a pre-judged, pre-determined and biased approach against the petitioner herein.

14. This Court opines that the justice should not only be done, but also manifestly seem to be done and in the present case, admittedly as borne on record, the same is not indicated and therefore, this Court vice its interim orders, dated 24.07.2022 in W.P.No.19591 of 2022 very clearly observed that merely because permission was not obtained from the Government for implementing the judgment of the Apex Court, it cannot be said that the provisions of the Act and the Rules made thereunder along with the instructions issued by the District Administration were to be ignored and the same does not amount to misconduct, since the recording Authority is

bound to implement the orders of the Civil Court as per Section 8 of the Act.

15. A bare perusal of the impugned G.O.Rt.No.348, dated 04.11.2022 passed by the respondent No.1, clearly indicates that the same had been issued framing articles of charges against the petitioner, when the whole process of enquiry initiated against the petitioner itself had been suspended by the order of this Court, dated 27.04.2022 passed in W.P.No.19591 of 2022, which had been pending final adjudication on the file of this Court. Since, the same is in a clear violation of the earlier orders passed in favour of the petitioner, dated 27.04.2022 passed in W.P.No.19591 of 2022 and when the matter is subjudice before this Court pending final adjudication, this Court opines that the said departmental proceedings had been initiated only to by-pass the orders passed in petitioner's favour in W.P.No.19591 of 2022 filed in April, 2022 by the petitioner herein and to circumvent the same without awaiting the final verdict in the said W.P.No.19591 of 2022, which is totally unwarranted and uncalled for.



16. In the Apex Court Judgment reported in (2010) 13 SCC 427 in Oryx Fisheries Pvt., Ltd., Vs. Union of India & Others, in particular at para Nos.24, 27, 29, 31, 32 & 33, it is observed as under :

"It is well settled that a quasi-judicial authority, while acting in exercise of its Statutory power must act fairly and must act with an open mind while initiating a show-cause proceeding. A show-cause proceeding is meant to give the person proceeded against a reasonable opportunity of making his objection against the proposed charges indicated in the notice. (Para 24).

At the stage of show-cause, the person proceeded against must be told the charges against him so that he can take his defence and prove his innocence. At that stage the authority issuing the charge sheet, cannot, instead of telling him the charges, confront him with definite conclusions of his alleged guilt. If that is done, as has been done in the present case, the entire proceeding initiated by the show-cause notice gets vitiated by unfairness and bias and the subsequent proceedings become an idle ceremony. (Para 27)

Justice is rooted in confidence and justice is the goal of a quasi-judicial proceeding also. If the functioning of a quasi-judicial authority has to inspire confidence in the minds of those subjected to its jurisdiction, such authority must act with utmost fairness. Its fairness is obviously to be manifested by the language in which charges are couched and conveyed to the person proceeded against.

In the present case, from the show-cause notice it is clear that the third respondent, Deputy Director, MPEDA HAS demonstrated a totally closed mind at the stage of show-cause notice itself. Such a closed mind is inconsistent with the scheme of Rule 43 of the MPEDA Rules. (Para 29).

It is true that the show-cause notice cannot be read hyper technically and it is well settled that it is to be read reasonably. But, while reading a show-cause notice the person who is subject to it must get an impression that he will get an effective opportunity to rebut the allegations contained in the show-cause notice and prove his innocence. If on a reasonable reading of a show-cause notice a person of ordinary prudence gets the feeling that his reply to the show-cause notice will be an empty ceremony and he will merely knock his head against the impenetrable wall of prejudged opinion, such a show-cause notice does not commence a fair procedure especially when it is issued in a quasi-judicial proceeding under a statutory regulation which promises to give the person proceeded against a reasonable opportunity of defence. (para 31).

Therefore, while issuing a show-cause notice, the authorities must take care to manifestly keep an open mind as they are to act fairly in adjudging the guilt or otherwise of the person proceeded against and specially when the authority has the power to take a punitive step against the person after giving him a show- cause notice. (para 32)

The principle that justice must not only be done but it must eminently appear to be done as well is equally applicable to quasi-judicial proceeding if such a

proceeding has to inspire confidence in the mind of those who are subject to it. (para 33)"

17. A bare perusal of the impugned show-cause notice vide No.A3/996/2020, dated 19.02.2020 issued to the petitioner by the 3rd respondent and the impugned G.O.Rt.No.348, dated 04.11.2022 issued by the 1st respondent clearly indicates that the same were passed pre-determining the subject issue thereby prejudging the matter, despite all the relevant orders passed by the High Court and the Apex Court on the subject issue, the respondents having arrived at a unilateral conclusion, that the petitioner acted without seeking approval from the Government proceeded against the petitioner erroneously without application of mind, in a routine casual manner and eventually deprived the petitioner herein of the reasonable opportunity of defence. At the stage of issuance of a show-cause notice, the 3rd respondent must take care to manifestly keep an open mind as the 3rd respondent is expected to act fairly while adjudging the guilt or otherwise of the person proceeded against, especially when the authority is vested with the power to take a punitive action against such person after

issuing a show-cause notice. The principle of natural justice required not only that justice be done, but that it must also eminently appear to have been done. This principle is equally applicable to the 3rd respondent herein, since the proceedings issued by the 3rd respondent has to necessarily inspire confidence in the mind of the petitioner, who is subjected to it, the orders impugned however do not indicate the same.

18. Taking into consideration:-

- a) The aforesaid facts and circumstances of the case.
- b) The submissions put-forth by the learned senior designated counsel appearing on behalf of the petitioner and learned Government Pleader for Services-I appearing on behalf of the respondents on record.
- c) The averments made in the counter affidavit filed on behalf of the respondent No.1 in W.P.Nos.19591 & 41351 of 2022 (referred to and extracted above)
- d) The averments made in the counter affidavit filed on behalf of the respondent No.4 in W.P.Nos.41351 of 2022 (referred to and extracted above)

- e) The interim orders granted in favour of the petitioner, dated 27.04.2022 passed in W.P.No.19591 of 2022 (referred to and extracted above) which are in force as on date.
- f) The interim orders granted in favour of the petitioner, dated 14.11.2022 passed in W.P.No.41351 of 2022, which are in force as on date (referred to and extracted above), which are in force as on date.
- g) The allegations made against the petitioner that orders were passed by the petitioner without following the procedure contemplated under the A.P. Rights in Land And Pattadar Passbooks Act, 1971 and the rules made thereunder
- h) The fact that proceedings were initiated against the petitioner ignoring the fact pleaded by the petitioner that the mutation proceedings made by the petitioner vide order, dated 22.09.2016 were in pursuance to the judgment of the Apex Court in Civil Appeal No.2963 of 2013, dated 09.10.2015, duly taking into consideration the judgment of this Court in A.S.No.274 of 2007, dated

19.12.2011, since the matter had attained finality in A.S.No.274 of 2007, dated 19.12.2011 and the same was confirmed by the Apex Court vide judgment ,dated 09.10.2015 in C.A.No.2963 of 2013 and as a recording Authority, the petitioner had only discharged his duty.

- i) The contents of the impugned proceedings vide File No.A3/996/2020, dated 19.02.2020 passed by the 3rd respondent in W.P.No.19591 of 2022.
- j) The contents of the impugned G.O.Rt.No.348, dated 04.11.2022 passed by the 1st respondent in W.P.No.41351 of 2022(referred to and extracted above)
- k) The judgment of the Apex Court reported in (2010) 13 SCC 427 in Oryx Fisheries Pvt., Ltd., Vs. Union of India) (referred to and extracted above)
- l) The discussion and conclusion as arrived at para Nos.10 to 17 of the present order.
- m) The averments made in the counter affidavit filed by the 1st respondent in W.P.No.19591 of 2022 in particular at para No.7, which indicates a specific stand that it is not a case that the Authorities had already



arrived at conclusion against the petitioner herein with pre-determined mind and that nothing had been held against the petitioner except issuing charge memo, and calling for an explanation, opines that the said stand is not convincing, in view of the clear words indicated in the impugned charge memo, dated 19.02.2020 issued by the 3rd respondent herein concluding unilaterally that the petitioner had illegally recommenced the grant of mutation in Government land.

- n) The intimation to the petitioner, that proceedings will be issued against the petitioner under Rule 24 of the APCS Conduct rules, 1964, if any representation is received on petitioner's behalf from another person in respect of subject matter and further that then in such a situation, strict action would be initiated against the petitioner for violation of Rule 24 of the APCS (conduct) Rules, 1964, indicate a clear bias on the part of the respondent Authorities in initiating disciplinary proceedings against the petitioner.
- o) Ignoring the orders of the High Court and the Apex Court pertaining to the subject lands with a

pre-determined approach, the 3rd respondent having proceeded unilaterally.

Hence, this Court opines that petitioner is entitled for grant of relief as prayed for in the present writ petition.

Both the Writ Petitions are allowed as prayed for. The impugned order, dated 19.02.2020 in File No.A3/996/2020 passed by the 3rd respondent in W.P.No.19591 of 2022 and the impugned order, dated 04.11.2022 in G.O.Rt.No.348 passed by the 1st respondent against the petitioner in W.P.No.41351 of 2022 herein are set-aside.

It is however observed that it is open to the respondents herein to initiate action against the petitioner, if the respondents intend to do so, but strictly in accordance to law, in conformity with principles of natural justice. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

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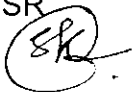
SD/- K.MADHAVI
ASSISTANT REGISTRAR
SECTION OFFICER

**One Fair Copy to the Hon'ble MRS JUSTICE SURESH LALI NANDA
(For Her Ladyships Kind Perusal)**

To,

1. The Chief Secretary, Revenue Department, Secretariat at Hyderabad, State of Telangana.
1. The Principal Secretary, Revenue Department, Secretariat at Hyderabad, State of Telangana.
2. The Chief Commissioner of Land Administration, (CCLA) Nampally, Hyderabad-TS
3. The District Collector, Ranga Reddy District At Lakdikapet, Hyderabad-TS
4. 11 LR Copies
5. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
6. The Secretary, Telangana Advocates Association, Library, High Court Buildings, Hyderabad.
7. One CC to SMT P.CHANDANA, Advocate [OPUC]
8. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

BSR



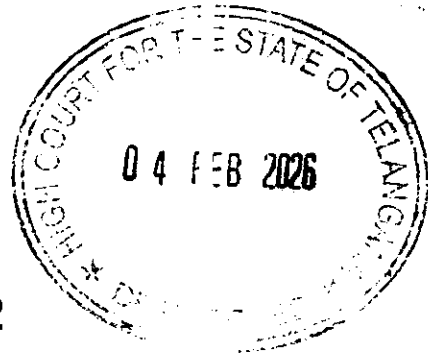
CC TODAY

HIGH COURT

DATED: 29/01/2026

COMMON ORDER

WP.Nos.19591 & 41351 of 2022



ALLOWING BOTH THE WRIT PETITIONS,
WITHOUT COSTS

12/8/26
01-02-26