

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.31166 of 2015

BETWEEN

S. Vitta Bai.

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 27.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Petitioner made an application under Section 32 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act (for short 'the Act') before the second respondent on the ground that she is shareholder in the property of her deceased father-in-law under inheritance from her deceased husband over an extent of Ac.14.22 guntas in Sy.No.8/1 of Guruj Village, Gudhihathnoor Mandal, Adilabad District. Apart from that, petitioner had also made an application for grant of pattadar pass books and title deeds and has approached this Court in WP.No.22762 of 2014 complaining of inaction on the part of the Tahsildar in considering the said application. This Court, by order dated 04.09.2015, disposed of the writ petition permitting the petitioner to make an appropriate application for grant of pattadar pass books and title deeds and it was also observed that if any application under Section 32 of the Act is filed, the fourth respondent therein was directed to enquire into and dispose of the same in accordance with law.

2. Petitioner submits that, thereafter, she has made an application on 13.10.2014 under Section 32 of the Act as well as for grant of pattadar pass books and title deeds. It is stated that in terms of the directions of this Court, referred to above, the Tahsildar considered the same under impugned proceedings dated 27.03.2015 and on merits, came to reject the petitioner's application under Section 32 of the Act and consequently, also rejected the application of the petitioner for grant of pattadar pass books and title deeds. That order is questioned in this writ petition.

3. It is, however, to be seen that on an application filed under Section 32 of the Act, the

Tahsildar is empowered to put the tenant in possession of the property on being satisfied and in the event of any person aggrieved by the order of the Tahsildar, an appeal is provided under Section 90 of the Act before the Collector. Hence, in view of the rejection of the application filed under Section 32 of the Act, the petitioner has an efficacious alternate remedy of appeal and on that ground, the present writ petition cannot be entertained so far as rejection of the application of the petitioner under Section 32 of the Act is concerned.

4. It is also evident that application under Section 32 of the Act is made by a person, who is not in possession, seeking restoration of possession. Obviously, since the petitioner not being in possession, her claim for pattadar pass books and title deeds could not be considered by the Tahsildar. Hence, the petitioner will have to first succeed in getting an order under Section 32 of the Act for restoration of possession and only, thereafter, would be entitled to seek pattadar pass books and title deeds. In view of that legal position, the petitioner is permitted to prefer an appeal against the impugned order before the Collector in accordance with law and if such an appeal is preferred on or before 16.11.2015, the appellate authority shall consider the same without raising any objection as to limitation and shall hear and decide the said appeal expeditiously after notice to all the affected parties.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 27, 2015

DSK