

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.11441 of 2015

ORDER

Petitioners herein claim to be the protected tenants and were granted certificates under Section 38-E of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short 'the Act'), over an extent of Ac.14.35 guntas in Sy.No.126 of Deshmukhi Village. The extent in the said survey number was subsequently corrected by the Commissioner, Survey Settlements and Land Records, Hyderabad, by his proceedings No.S1/6029/07, dated 3.11.2007, whereby the revised extent in Sy.No.126 on physical measurement was found to be Ac.26.10 guntas. Based on the said proceedings, the petitioners sought revision of certificates under Section 38-E whereupon the Sub Collector, Bhongir, vide letter No.B/2436/2008, dated 11.1.2013 sought clarification from the District Collector, who in turn, vide letter No.F1/9811/2012, dated 7.5.2013 issued the same.

The grievance of the petitioners in this writ petition is that in spite of the clarification received from the District Collector, no steps have been taken by the 3rd respondent to issue the revised certificates under Section 38-E of the Act.

Learned Government Pleader for Revenue, on instructions, submits that the final record of tenancy was prepared during the year 1956, ownership certificates were issued during the year 1975 and the holding of the land holder shall not be less than two family holdings to consider the request of the protected tenants for grant of certificates.

It is admitted that the 3rd respondent is the competent authority for issuance of certificates under Section 38-E of the Act and as

such the revision of such transfers also has to be made by the 3rd respondent only since the District Collector has already issued necessary clarification by his proceedings dated 7.5.2013 referred to above.

Accordingly, the Writ Petition is disposed of. The 3rd respondent is directed to issue notices to all the parties and to conduct proper enquiry and pass necessary orders on the petitioners' request for revision of certificates under Section 38-E of the Act as expeditiously as possible preferably within six months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE VILAS V.AFZULPURKAR

6th November, 2015

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