

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.3955 OF 2015

ORDER:

Petitioner filed this Writ Petition questioning the action of respondents 2 and 3 in withholding the pattadar passbooks and title deeds in respect of the agricultural lands possessed by him in Sy.No.50/26, Mucharla Village, Kandukur Mandal, Ranga Reddy District, in an extent of Ac.03-33 gts., despite completion of mutation and survey of the lands, on the assumption that the lands may be acquired at a future date by the Government, and also for a direction to the respondents to forthwith issue pattadar passbook and title deeds to the petitioner in respect of his lands as per his application dated 14.06.2014.

The grievance of the petitioner is that the petitioner has purchased land an extent of land Ac.03-33 gts., situated in Sy.No.50/26 of Mucharla (V), Kandukur (M) of Ranga Reddy District on 28.06.2014, through a Registered Sale Deed bearing Document No.1796/2014. Thereafter, he had applied for issuance of pattadar passbooks after making necessary entries in the revenue records. Petitioner filed an application under Section 4(1) of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (in short "the Act") before the 3rd respondent-Tahasildar, Kandukur Mandal, pursuant to the said application, though a notice dated 17.07.2014 under Section 5(3) of the Act was issued by the 3rd respondent to attend his office on 04.09.2014 with all original documentary evidence, no further action has been taken on his application.

When the matter came up for admission, this Court required

the learned Assistant Government Pleader for Revenue (Telangana) to get instructions. Accordingly, learned Government Pleader placed on record the written instructions dated 24.02.2015 received from the 3rd respondent-Tahasildar, Kandukur Mandal. As per the written instructions of the Tahasildar, it is submitted as follows –

“The land in Sy.No.50/26 to an extent of Ac.3-33 gts., situated at Mucherla Village of Kandukur Mandal is classified as Proamboke Sarkari (Government Land). Further it is to submit that the Government have issued assignment patta certificate to Sri Utu Mysaiah to an extent of Ac.3-33 gts., in Sy.No.50/26 situated at Mucherla village of Kandukur Mandal. After this demise, his legal heirs succeeded the said property. Intern, the successors executed a sale deed in favour of Sri Kothapeta Suresh under valuable consideration for an extent of Ac.3-33 gts., of Mucherla village, Kandukur Mandal. The sale deed filed for mutation in Form-IA of Mucherla Vilalge through Mee-Seva in the prescribed format.

As seen the records, it is a Government land which is sold out by the assignees by violating the conditions prescribed in G.O.Ms.No.1406, dated 25.07.1958. Hence, the request of mutation was not considered and no Title Deed & Pass Books issued.

Further, it is submitted that the action was also initiated under A.P. Assigned Land (POT) Act, 1977 amended with Act, 2007.”

In the light of the instructions and on account of assertion of the respondents that the acquisition of the property by the petitioner is in violation of the A.P. Assigned Land (POT) Act, 1977 amended with Act, 2007, no mandamus as such can be issued at this stage. It is made clear the respondents shall communicate to the petitioner the reasons for not considering the application of the petitioner for seeking mutation and also for issuance of pattadar passbooks and communicate the order to the petitioner within a period of two weeks. Thereafter, petitioner may avail remedies

available under the Act. The present refusal of entertaining the petitioner's Writ Petition shall not in any way be construed as expressing any opinion with regard to the contentions of neither petitioner nor the respondent. The respondent authorities shall take a decision independent of the observations made in the Writ Petition.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall also stand closed.

CHALLA KODANDA RAM, J

Dated:11.03.2015.
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