

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

PRADESH
(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.20483 OF 2015

BETWEEN

D.Lasmaiah

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary (Revenue Department) and others

...RESPONDENTS

The Court made the following:

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ORDER: -

Heard.

2. Petitioner is aggrieved by the Memo issued by the Sub-Collector-cum-Revenue Divisional Officer, respondent No.3, vide Proc.No.G/2066/2012 dated 08.12.2014. Petitioner claims to have purchased land to an extent of Ac.13-55 cents in survey No.147, Hathini village of Dahegaon Mandal, Adilabad District from one Lt.Mondaiah and he states that the alienation in his favour was also approved by the Mandal Revenue Officer and the Certificate

under Form 13-C r/w Rule 22 (5)(v) of the Rules framed under the A.P. rights in Land and Pattadar Passbooks Act, 1971 was issued to him. While so, aggrieved by the action of the Revenue Divisional Officer (RDO) in entertaining the representation on behalf of the legal representatives of the said Mundaiah, petitioner had earlier approached this court in W.P.No.25245 of 2012. After hearing all the parties, the said writ petition was allowed by order dated 11.06.2014 setting aside the order of the RDO giving liberty to the aggrieved party to approach the appellate or revisional authority in accordance with law if such a party is aggrieved by the approval of alienation and grant of Pattadar passbook in favour of the petitioner.

3. Petitioner states that no such appeal or revision is filed against approval of alienation in his favour. But however when the petitioner approached the RDO for consideration and restoration of the pattadar passbook, the impugned memo was issued by the Special Collector directing the petitioner to approach the appellate authority/revisional authority. Petitioner states that the direction in the earlier writ petition was not for him, but for the party aggrieved and as such the memo is erroneously issued by the Sub-Collector.

4. A reading of the impugned memo does not show that it is with reference to petitioner's application for restoration of pattadar passbook and petitioner's application is stated to be pending with the Sub-Collector/Revenue Divisional Officer. If such an application is pending, it is for the Sub-Collector or the RDO to consider the same, on merits, and take appropriate decision in the matter after verifying whether any appeal or revision is preferred by any person aggrieved against the approval of alienation against the petitioner in terms of the orders of this court referred to above.

Writ petition is, accordingly, disposed of with a liberty to the petitioner to approach the competent authority for restoration of pattadar passbook if he so desires. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 13, 2015

Note: -

Furnish copy in three days.

{B/o}

LMV