

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 12358 of 2011

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents. With the consent of both the parties the Writ Petition is disposed of at the stage of admission.

The present Writ Petition is filed seeking issuance of writ of mandamus declaring the action of the respondents in not considering and disposing of the various representations made on behalf of the petitioner-institution and not rectifying the revenue records in respect of the lands attached to the petitioner-institution as illegal, arbitrary and consequently direct the respondents 3 and 4 to consider and dispose of the representation dated 05.03.2011.

The averments in the affidavit filed in support of the Writ Petition are as under :

One Syed Lal, being Muthavalli of petitioner-institution representing on it's behalf stated that the petitioner-institution is in existence for the last more than 70 years. It is stated that during Razzakar movement it was demolished and later the father of the present Muthavalli and others constructed a Masjid and have

been offering prayers. It is stated that the petitioner-institution owns agricultural lands in various villages of Mahabubnagar District i.e., an extent of Ac.19.19 guntas in Sy.No.67; Ac.18.26 guntas in Sy.No.121 of Jallapur village; Ac.26.20 guntas in Sy.No.240; Ac.20.21 guntas in Sy.No.245 of Maramamgal village; Ac.13.14 guntas in Sy.No.79 of Chandoor village; and Ac.40.21 in Sy.No.126 of Itkyalpad village, totalling to Ac.137.21 guntas. It is further stated that all the said lands are Inam lands belonging to the petitioner-institution and the same has been recorded in the Register of Wakfs as per the provisions of Wakf Act. It is averred that the present Muthavalli was appointed to the said post after the death of his father, who also acted as Muthawalli of the said institution, and the same was also published in the Gazette dated 11.03.2010. It is stated that since the lands are situated in various villages in Mahabubnagar District, the names of various other persons were included in the revenue records in respect of the lands belonging to the petitioner-institution. In order to rectify the entries, the present Muthawalli is alleged to have made several representations on behalf of the petitioner-institution to respondents 3 and 4 who are the Tahasildar, Alampur Mandal and Tahasildar, Manopad Mandal for rectifying the same, but till date the same were not considered. Hence, the present Writ Petition.

A counter came to be filed denying the averments made in the petition except those that are specifically admitted by them. It is stated in the counter that the subject lands are Khidmati Inam and occupancy rights certificate shall be obtained from the Inam Tribunal i.e., Revenue Divisional Officer for recording the names and in the absence of ORC, it is not possible to record the name of Institution in the Revenue records. It is further stated that the petitioner has not filed any application for issue of ORC before Revenue Divisional Officer, Gadwal, who is the competent authority to issue ORC as per Inam Abolition Act. The same is disputed by the learned counsel for the petitioner in view of the Gazette publication.

If the corrections in the revenue records are not possible without ORC, the 3rd and 4th respondents, before whom the representations made by the petitioner-institution seeking corrections of the revenue records are pending could have passed the very same order instead of keeping them pending. Since the representations made by the petitioner-institution dated 01.11.2010, 24.11.2010, 05.02.2011 and on 05.03.2011 are said to be pending, the present Writ Petition is disposed of directing the respondents 3 and 4 to pass orders on the said representation, within six weeks from the date of receipt of this order, in accordance with law.

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

JUSTICE C. PRAVEEN KUMAR

Date: 11.08.2015

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