

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

WRIT PETITION No.25012 of 2011

Between:

Smt.Thallapally Swaroopa Rani

---Petitioner

And

The District Collector, Warangal District and others.

---Respondents

DATE OF JUDGMENT PRONOUNCED: 07-08-2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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

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THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No.25012 of 2011

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ORDER:

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

The petitioner claims to be the owner and possessor of land admeasuring Ac.02-12 guntas in Sy.No.552 of Vangapahad Village, Hasnaparthy Mandal, Warangal District. She claims to have purchased the said land in the year 2008 from 4th respondent for a valuable consideration under registered sale deed vide document No.6597/2008, dated 03-12-2008. Since the date of purchase, the petitioner claims to be in possession of the land. Subsequently, she made representation to the 3rd respondent for mutation of her name in revenue records. As there is no action on the representation made by the petitioner, she made an application for issuance of pahani for the year 2009-10. To her surprise, she noticed the name of 5th respondent in the possession column of Pahani for the year 2009-10. It is stated that the 3rd respondent-Tahsildar in collusion with the unofficial respondents mutated the name of 5th respondent in the revenue records. Immediately thereafter, she is alleged to have made representation to the Collector, who is the 1st respondent herein bringing to his notice about collusion of the 3rd respondent in mutating the name of the 5th respondent in revenue records. Inaction of 1st respondent in not considering the representation made by the petitioner is the subject matter of challenge in the present writ petition.

The learned Government Pleader for Revenue on written instructions submits that as per the available records, one Gundra

Sambaiah S/o.Govindu has purchased the land to an extent of Ac.02-12 guntas from one Mekala Dornasa Reddy in Sy.No.552 situated at Vangapahad village, Hasanparthy Mandal, Warangal District and as per pahani for the year 2005-2006, the name of Gundra Sambaiah is shown as pattadar and name of Erragolla Kumaraswamy is recorded in the column-occupant for the above mentioned land. It is stated that one Erragolla Kumaraswamy has been in physical possession of the land. One Gundra Sambaiah sold away land to one Thallapally Swaruparani to an extent of Ac.02-12 guntas in Sy.No.552 situated at Vangapahad Village of Hasanparthy Mandal, Warangal District under registered sale deed bearing document No.6597/2008. It is revealed through the report of Additional Revenue Inspector, Hasanparthy and Village Revenue Officer, Vangapahad village that the name of Smt.Thallapally Swaruparani was not entered in revenue records on the ground that she was not in physical possession of the land. He further submits that if suitable application is made, the same shall be dealt with by the Tahsildar in accordance with law.

The main ground urged by the learned counsel for the petitioner is that the 3rd respondent-Tahsildar in collusion with the unofficial respondents has mutated the name of 5th respondent in the revenue records, though the petitioner is the owner of said land. Though the petitioner attributed collusion of the Tahsildar then with the unofficial respondents, but it is to be noted that the same Tahsildar who was there in the year 2009 may not be working in the said post even as on today. Therefore, the apprehension of the petitioner that she would not get justice before the 3rd respondent cannot be accepted. In view of the representation made by the Government Pleader, the petitioner shall make a fresh application in terms of the A.P.Rights in Land and Pattadar Passbooks Act and the 3rd respondent shall deal with the same in accordance with law at the earliest. Accordingly, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

C.PRAVEEN KUMAR,J

07-08-2015
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