

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 41687 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.3 in not disposing of the objection petition dated 07.11.2016 filed by the petitioner seeking not to initiate any surrender proceedings filed by any of the joint protected tenant in respect of land in Survey Nos.132, 133 and 508, total admeasuring Acs.23.07 guntas situated at B.Pochampally Village and Mandal, Yadadri District, Telangana State, in view of the pendency of cases before the Joint Collector in file No.F2/ 9117/ 2013 and F2/ C3/ JC/ TA/ 8/ 1998 before the Joint Collector, Telangana State in view of the orders of Joint Collector, Nalgonda District, as illegal and arbitrary.

4. It is the case of the petitioner the he is the joint tenant to the land in dispute and the original protected tenants died leaving behind their respective legal heirs. It is stated that the matter under Section 90 of A.P.Telangana Area Tenancy Agriculture Land Act in F2/ C3/ JC/ TA/ 8/ 1998 was reopened before the Joint Collector, wherein orders were passed not to change the nature of

the property. Subsequently, in view of the frauds committed by subsequent purchasers, an objection was filed to stop proceeding by the L.Rs of the original protected tenants. The Tahsildar, without following due process of law under Section 19 of the Act, has issued surrender proceeding aggrieved by which the petitioner along with LRs, filed appeal under Section 90 before the Joint Collector vide No.F2/ 9117/ 2013 and the Joint Collector passed an interim stay of surrender proceedings passed by the Tahsildar, B Pochampally. It is the grievance of the petitioner that the matter is subjudiced before the Joint Collector and the Tahsildar is insisting to implement the orders in protected tenants register and certificate at the behest of respondent in Joint Collector proceedings. It is also stated that the petitioner made an objection on 07.11.2016 before respondent No.3 seeking not to initiate any surrender proceedings in respect of the land in dispute, in view of the pendency of cases before the Joint Collector in file Nos. F2/ 9117/ 2013 and F2/ C3/ JC/ TA/ 8/ 1998. But, the said objection letter dated 07.11.2016 was not considered till date. Hence, the present writ petition came to be filed.

5. Learned counsel for the petitioner submits that the present writ petition came to be filed requesting the Tahsildar to implement the orders passed by the Joint Collector.

6. Learned Government Pleader for Revenue submits that the question of giving a representation for implementing the orders by the Joint Collector would not arise since the Tahsildar is aware of

the orders passed. Suffice would be if a copy of the order is furnished to the Tahsildar.

7. Having regard to the above submissions, the writ petition is disposed of directing the petitioner to produce a copy of the proceedings dated 13.09.2013 and 23.03.2010 passed in F2/ 9117/ 2013 and F2/ C3/ JC/ TA/ 8/ 1998 respectively before the Tahsildar if the same is still in force, in which event, the Tahsildar shall make note of the above proceedings and dispose of the objection petition dated 07.11.2016, in accordance with law.

8. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

01.12.2016,
vnb

