

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33169 OF 2017

Dated:05.10.2017

Between:

Boddu Laxminarasamma,
W/o. Rajamallu, aged 59 years,
Occ: House wife, R/o.H.No.11-3-59,
Babu Camp, Kothagudem, Bhadradri
Kothagudem District, Telangana State

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. On 27.04.2017 notice was caused by the Tahsildar calling upon the petitioner to respond to the claim made by Boddu Odelu in respect of vacant land to an extent of 343.79 sq. yards. Petitioner filed detailed explanation opposing the claim made by Boddu Odelu and she also raised maintainability of such claim and initiation of proceedings by the Tahsildar. Petitioner contended that civil suit is pending and therefore the matter cannot be considered by the Tahsildar pending civil litigation. This Writ Petition is filed alleging that the Tahsildar would pass orders and he should be restrained from passing such orders.

3. As seen from the notice dated 27.04.2017, the Tahsildar has only responded on the claim made by the unofficial respondent, who is persisting with his claim by making representations to various authorities including the District Collector. The notice does not reflect any decision made by the Tahsildar. Petitioner filed detailed explanation on maintainability of the claim made by the unofficial respondent. At this stage, it cannot be said that the Tahsildar would not appreciate the contentions urged by the petitioner and he would pass an order without competence and jurisdiction. The competence of the Tahsildar to adjudicate *inter se* disputes or any other matter can be gone into only if an adverse decision is taken by Tahsildar. Therefore, even before a decision is taken by the Tahsildar, this Court is not inclined to pre-empt and restrain him from taking a decision. It cannot be

said that the petitioner is remediless, if a decision is taken by the Tahsildar warranting interference by this Court in exercise of power of judicial review under Article 226 of the Constitution of India, at this stage.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out her remedies as and when a decision is taken by the Tahsildar. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:05.10.2017

KH



P. NAVEEN RAO, J