

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.18896 of 2017

ORDER:

The petitioner complains against inaction of 3rd respondent in consideration and disposing of the representations dated 19.09.2015 and 21.11.2016 in terms of the Proceedings No.A/ 6971/ 2012 dated 02.05.2015, as illegal, arbitrary and unconstitutional.

2. The 2nd respondent/ Revenue Divisional Officer, Warangal, through his proceedings dated 02.05.2015 held as follows:

“Heard both the parties and verified the Tahsil office, Hanamkonda Xerox file No.A/ 374/ 2010 issued under RTI Act, 2005 pertains to mutation of Ponnamm Kumaraswamy and the following lapses are noticed.

1. The respondent (viz. Ponnamm Kumaraswamy) has applied Form-6(a) for succession of land in Survey No.1902/A2 for an extent of 3.00 acres situated at Madikonda village of Hanamkonda Mandal.

2. The Tahsildar, Hanamkonda prepared Form-8 Notice and signed therein simply without date, without enquiry date and there is no evidence of serving of notice to the concerned/ interested persons. There is no enquiry report of the V.R.O. or Revenue Inspector and also not taken the consent of the appellant (i.e., mother viz., Ponnamm Jagadamba @ Sayakka, w/o late Venkataiah). The Tahsildar, Hanamkonda simply issued a succession proceedings in favour of Ponnamm Kumaraswamy, S/o Venkataiah for an extent of 2.08 gts in Sy. No.1902/ A2 of Madikonda village, Hanamkonda Mandal.

In view of the above, it is clearly evident that the Tahsildar, Hanamkonda has not followed the ROR procedure. Therefore, the orders No.B2/ 374/ 2010 issued in favour of Ponnamm Kumaraswamy, s/o Venkataiah are hereby set aside and cancelled the Pattadar Pass Book and Title deed in respect of survey No.1902/ A2 to an extent of Ac.2.08 gts situated at Madikonda village of Hanamkonda Mandal. Further, the Tahsildar, Hanamkonda is directed to take over the cancelled pattadar pass book and title deed in his custody and delete the entries in revenue record. Accordingly the appeal is allowed.”

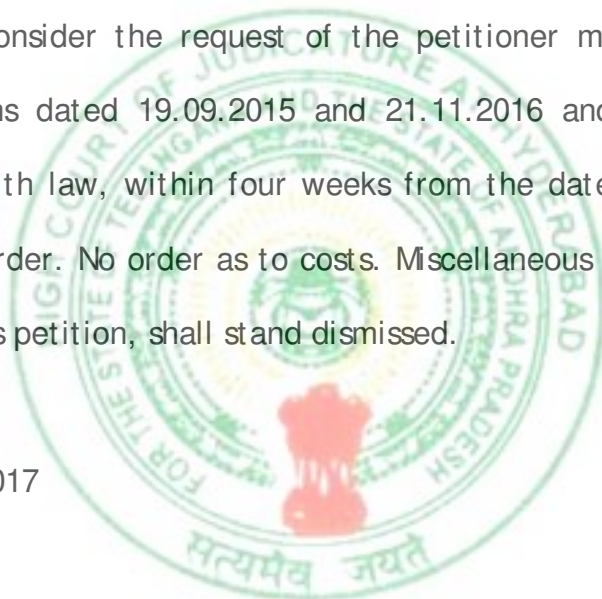
3. The petitioner thereafter, on 19.09.2015 requested for issue of pattadar pass book. Now the complaint is that the request remains unattended. Hence, the writ petition.

4. The Assistant Government Pleader (Revenue) for respondents 1 to 3, fairly states that the application of petitioner ought to have been considered and final order passed, if 3rd respondent is not prevented by any order of stay from the Joint Collector. The statement is placed on record.

5. The writ petition is, ordered, accordingly and 3rd respondent is directed to consider the request of the petitioner made through the representations dated 19.09.2015 and 21.11.2016 and pass orders in accordance with law, within four weeks from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

Date: 13.06.2017
BSS

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