

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30975 OF 2017

DATED : 14.09.2017

Between :

Manne Kistaiah S/o.Mallaiah,
Aged about 62 yrs, Occu : Agriculture,
R/o.Imampur Village, Toopran Mandal,
Medak District & others.

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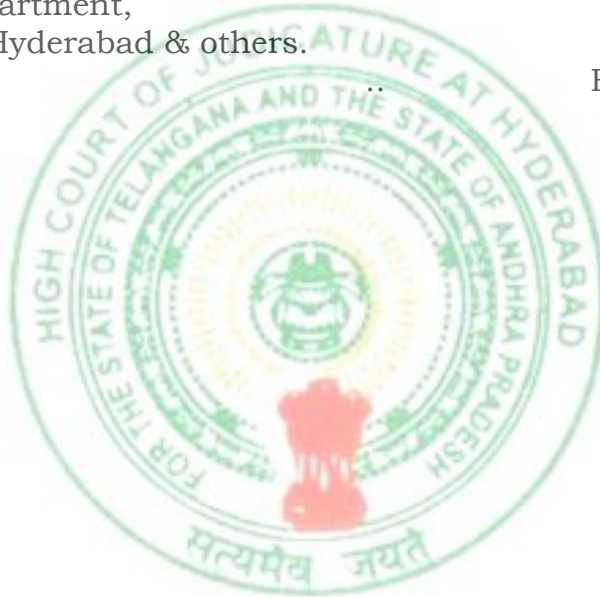
Petitioners

And

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

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Respondents



This court made the following :

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ORDER :

Heard.

2. Notice dated 28.08.2017 was issued by the Tahsildar, Toopran Mandal, Medak District in response to the application made by one Smt. Hussain Bee, calling upon the petitioners to submit their objections as to whether such request can be acceded to. The notice also refers to an order passed in I.A.No.26 of 2011 by the III Additional District Judge, Siddipet. In response to this notice on 31.08.2017 petitioners filed their objections. Petitioners sought for supply of the documents mentioned therein. It appears, petitioners also gave legal notice on 02.09.2017. But so far, no decision is made by the Tahsildar, in pursuant to the notice issued by him on 28.08.2017. Therefore, this writ petition is filed challenging the said notice.

3. Learned counsel for the petitioners sought to contend that though a decree was passed against the petitioners, they filed appeal and the same is at the S.R., stage and no further orders are passed so far. Learned counsel also sought to contend that at this stage and even before execution petition is filed and appropriate orders are passed, the show cause notice could not have been issued.

4. In support of the said contentions, learned counsel placed reliance on the decision of the Division Bench of this Court in ***“Pydi Hariya and another Vs Revenue Divisional Officer,***

Kandukur¹". Learned counsel specifically drawn the attention of this Court to para 9 and 10 of the said decision.

5. This Court is not inclined to go into the merits of the issue as well as the course adopted by the rival claimants. The fact remains that an application is made before the Tahsildar by the rival claimants by producing wrong documents and entries were made in the revenue records. In terms of the provisions contained in A.P. Rights in Land and Pattedar Pass Books Act 1971 (for short 'the Act'), whenever, such a request is made before the Tahsildar, he is bound to enquire into the issue and take appropriate decision in response to the requisition received by him and to issue notice.

6. A reading of the notice would clearly show that if the petitioners have any objection on the claim made by the third parties, they are entitled to raise those objections. Accordingly, petitioners have raised objections, sought for documents in their objections dated 31.08.2017 and also brought to the notice of the authority that an appeal is preferred against the decree granted by the trial Court. Thus, at this stage, it cannot be said that the Tahsildar will not consider those objections before taking decision.

7. It is not the case of the petitioners that Tahsildar is not competent to entertain the application under the Act, 1971 and that not competent to decide the issue. What all he sought to contend is that it is not proper to take decision when petitioners preferred appeal against the decree and that no execution proceedings are granted. As noted above, this particular objection was also raised before the Tahsildar.

¹ 2001 (4) ALT 110 (D.B)

8. Therefore, this Court is not inclined to entertain this writ petition at this stage, more so, when there is no error in exercising the jurisdiction and issuing notice. Thus, it is open to the petitioners to work out their remedies, if any adverse decision is taken by the Tahsildar, without appreciating their objections.

9. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

14th September 2017
Rds

P.NAVEEN RAO,J

