

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28386 OF 2017

DATED : 24.08.2017

Between :

Kuntolla Dasharatha S/o.late China Balaiah,
Aged 52 yrs, Occu : Agriculture,
R/o.H.No.5-91, Bangaru Maisamma Street,
Near Bangaru Maisamma Temple,
Keesara, Medchal District.

..

Petitioner

And

The State of Telangana,
Rep., by Principal Secretary
Revenue, Secretariat, Hyderabad & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28386 OF 2017

ORDER :

Heard.

2. According to the petitioner, his father was issued protective right certificate No.E/7303/81 dated 30.11.1981 to an extent of Ac.17.06 guntas in Sy.No.213, Diara Village, Keesara Mandal. According to the petitioner, earlier his father filed appeal before the Joint Collector, Ranga Reddy District, against the order of the Mandal Revenue Officer, directing eviction and the same was set aside and the matter was remitted to the Revenue Divisional Officer, Hyderabad- 4th respondent, on 24.04.1989 for correction of revenue records as per the orders of Land Reforms Tribunal and Tenancy Tribunal. According to the petitioner, father of the petitioner and others filed case before the Appellate Tribunal in L.R.A.Nos.29/85, 3/86 and 4/86 and the Appellate Tribunal allowed the appeal by order dated 16.04.1987 directing surrendering of lands of the father of the petitioner and other appellants. The father of the petitioner was issued pattedar pass book in an extent of Ac.9-11 guntas under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy & Agricultural Lands Act, 1950, in the year 2000. Petitioner narrates further litigation on the subject matter in the present writ petition.

3. The averments in the affidavit would disclose that petitioner filed an application for issuance of succession certificate. It appears, simultaneously the unofficial respondents herein also applied in Form-IV before the Tahsildar, enclosing copy of the judgment in A.S.No.268 of 2011 and requested mutation of their

names in the revenue records and to issue pattedar pass books and title deeds in respect of Survey numbers mentioned by the Tahsildar in his notice dated 12.07.2017. Learned counsel for the petitioner states that the petitioner responded to the said notice and filed detailed explanation/objections opposing such claim. On 18.07.2017, the Tahsildar issued another notice in response to the request made by the petitioner. This notice is issued to the unofficial respondents. According to learned counsel, the issue is under consideration of the Tahsildar. At this stage, this writ petition is filed.

4. It is not the case of the petitioner that the Tahsildar is not competent to undertake enquiry into the claim made by persons for mutation of their names in the revenue records and for issuance of pattedar pass books and title deeds. If that is so, I do not see any justification to challenge the proceedings at the notice stage and stop the statutory authority in exercising the power vested in him and come to appropriate conclusion on the claim made by the individuals in accordance with the provisions of the A.P. Rights in Land and Pattedar Pass Books Act 1971 (for short 'the Act, 1971'). Since petitioner filed objections to the claim of the unofficial respondents, it cannot be stated at this stage, that the Tahsildar will not consider those objections warranting interference by this Court, even before a decision is taken by him. Petitioner has appropriate remedies available in law, under the Act, 1971 and in common law, if at all any adverse decision is made.

5. 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.

24th August, 2017
Rds

P.NAVEEN RAO,J

