

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34901 OF 2017

DATED : 23.10.2017

Between :

Greerreddy Sai Kumar Reddy S/o.Rama Krishna Reddy,
Aged 22 yrs, Agriculture,
R/o.Ayyawaripalli Village,
Veepangandala Mandal,
Mahboobnagar (Wanaparathi District) & another.

.. Petitioners

And

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

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners challenge the notice issued dated 10.10.2017 by the Tahsildar, Chinnambavi Mandal, Wanaparthy District (4th respondent) in accordance with Form-8 A under the A.P. Rights in Land and Pattedar Pass Books Act 1971 (for short 'the Act'), calling for the explanations of the petitioners and also to file documents in support of the claim of ownership as an application is received for correction in the revenue records claiming the subject property as belonging to the Anjaneyaswamy Temple-5th respondent.

3. Learned counsel for the petitioners sought to contend that Occupancy Right Certificate (ORC) was granted in favour of the vendor of the petitioners. Therefore title was validly passed on to the petitioners. Therefore, there is no question of any objection to be filed by the temple and such an application ought not to have been entertained by the Tahsildar under the Act. Learned counsel also sought to contend that sufficient time was not granted and that a copy of the objection petition was also not furnished. Therefore, petitioners were handicapped in submitting an effective explanation.

4. Though petitioners have filed explanation on 13.10.2017, even before an order is passed in pursuant to the said explanation, this writ petition is filed.

5. A bare perusal of the explanation dated 13.10.2017 of the petitioners does not disclose raising of objection as now sought to be contended nor sought any information, but only contended that their vendor was granted ORC and therefore, they have got absolute right over the property.

6. It is not in dispute that any person aggrieved by entries in the revenue records can file application for correction in the revenue records and once such an application is filed the Tahsildar is competent to entertain the said application and conduct enquiry to determine the validity of the claim. Therefore, *prima-facie*, it cannot be said that the Tahsildar was incompetent and has no jurisdiction to set in motion the process under the Act, in response to the application filed by the 5th respondent. Hence, this Court is not inclined to entertain the writ petition at this stage. However, it appears very short time was granted to the petitioners to respond on the objection petition filed by the 5th respondent, on which notice was issued and the same was also not furnished to the petitioners.

7. That being so, the Tahsildar is directed to furnish copy of the application filed by the 5th respondent and on receipt of such application, the petitioners shall file their detailed explanation in continuation to the explanation already filed on 13.10.2017, within a period of three (3) weeks. On consideration of such explanation and/or any response from the 5th respondent, the Tahsildar shall take decision and pass appropriate orders, as warranted by law, by assigning due reasons in support of the same. Till a decision is taken as directed above in pursuant to the show cause notice

dated 10.10.2017, no coercive steps shall be taken against the petitioners.

8. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

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

P.NAVEEN RAO,J

23rd October 2017

Note : Issue c.c. in one week

B/o.

Rds

