

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14337 OF 2017

DATED :22.02.2018

Between :

Sri Malgari Umashankar S/o.Sri M.Ramachandra Reddy,
Aged about 43 yrs, Reddy, Occu : Business,
R/o.H.No.3-4, Kandavada Village,
Chevella Mandal, Ranga Reddy District.

.. Petitioner

And

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

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14337 OF 2017

ORDER :

Heard. Learned counsel for the petitioner and learned counsel for the 5th respondent. With their consent the writ petition is disposed of finally.

2. Petitioner is aggrieved by the memo dated 12.01.2017 issued by the Tahsildar, Maheshwaram mandal. By this memo the Tahsildar, modified the earlier direction issued on 17.10.2016. On 17.10.2016 responding to the application stated to have been filed by a person by name Rajamoni Raju dated 16.05.2016 and on consideration of the report of the MRI, Maheshwaram, the Tahasildar directed the Village Revenue Officer, Thummaloor to implement the names of Chenamoni @ Kavali Yadamma, to an extent of Ac.2-03 guntas, Rajamoni Manemma to an extent of Ac.2-03 guntas, Rajamoni Laxmaiah to an extent of Ac.2-03 guntas and Rajamoni Yadamma to an extent of Ac.2-03 guntas, as the legal heirs of the original pattadars and delete the name of Rathna Sudha for the land in Sy.No.226 of Thummaloor Village of Maheshwaram Mandal. By the memo impugned, the earlier direction was withdrawn and directed not to make any changes in the revenue records concerning the above survey number already recorded in the name of Rathna Sudha, holding that the proceedings were issued by then Tahsildar, in favour of Rathna Sudha based on the document Nos.14/1997, 22/1997 and 204/97, registered in the Sub-Registrar Office, Maheshwaram.

3. From the submissions made by the respective counsel, it emerges that prior to memo dated 17.10.2016 Rathna Sudha was not put on notice before altering the revenue records and deleting her name. Whereas, the content of the memo dated 12.01.2017 impugned in the writ petition would also make it clear that name of Rathna Sudha is reflected in the revenue records.

4. Learned counsel for the petitioner sought to contend that before issuing memo dated 12.01.2017 no notice was issued to him. Two issues are highlighted by learned counsel for the respondent on this aspect. Firstly, petitioner herein is not an applicant at whose instance the memo dated 17.10.2016 was issued, but he is only an agreement-cum-GPA holder of the original applicant. Secondly as the order in the form of memo dated 17.10.2016 was not preceded by notice to the party-respondent, the person cannot complain of not issuing a notice withdrawing the earlier proceedings.

5. Learned counsel for the petitioner does not dispute that the decision of Tahsildar dated 17.10.2016 was not preceded by notice and opportunity to Rathna Sudha. It is also appropriate to note, as rightly pointed out by learned counsel for the party respondent that a person who could be said to be aggrieved by the decision of Tahsildar is Rajamoni Raju, but not the petitioner.

6. Be that as it may, I do not see any illegality in the decision of the Tahsildar dated 12.01.2017. When correction is sought to be made in the revenue records deleting the name reflected in the revenue records, the elementary principle is that person must be put on notice as deletion would adversely affect such person and

may have serious civil consequences. The order which was subsequently withdrawn, impugned herein, was not preceded by an enquiry. Thus, accepting contention of petitioner would amount to restoring another illegal order. Therefore, the Court is not inclined to grant the relief in the writ petition and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. It is needless to observe that as a consequent to upholding the decision of Tahsildar dated 12.01.2017, the matter reverts to position as on 16.05.2016 when person by name Rajamoni Raju seems to have submitted application and it is for the applicant to pursue the matter from that stage. There shall be no order as to costs.

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

22nd February, 2018
Rds

P.NAVEEN RAO,J

