

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.19768 of 2011

ORDER:

Heard Mr.E.Madan Mohan Rao for petitioner and the learned Government Pleader for respondents.

The petitioner prays for the following relief :-

“to issue a writ or order or direction, particularly in the nature of Writ of Mandamus declaring the action of the 1st respondent in not carrying out the correction entries with respect to the petition schedule property in the T.S.L.R. and Revenue Records as illegal and arbitrary and consequently direct the respondents to carry out the correction of entries with respect to the petition schedule property forthwith by deleting the words G-Government from Column No.20 with respect to T.S.No.9, Ward No.253 and Block 'C' and correct the extent from 5120 sq. mtrs to 3380 sq. mtrs in respect of T.S.No.10/3 Block 'C' Ward No.253 which corresponds to S.No.27 & 28 of Mirsagar Village, Hyderabad as per representation made by the present petitioner vide letter dated 06.11 2006 in the interest of justice and pass such further or other order or orders that may deem fit and proper in the circumstances of the case

SCHEDULE OF PROPERTY

All that part and parcel of the property admeasuring 3052 sq mtrs in T.S.No.9 & 10/P Ward No 253, Block 'C' situated at Mirsagar Village, Miralam Tank, Hyderabad District is bounded by North : Neighbour's property, South : Neighbours property, East : Lane, West : National Highway No.7.”

The petitioner places strong reliance on the application of Sri Shambu Prasad S/o.late Shyamlal dated 06.11.2006 made for correction of entries in TSLR, the consequential letter Rc.No.A2/464/2007, dated 24.01.2008 of the Deputy Director, Survey and Land Records, Hyderabad, letter No.B/4956/2006 dated 29.03.2008 of the Revenue Divisional Officer, Hyderabad, which resulted in Lr.No.B2/7883/2008, dated 06.12.2008 addressed to 3rd respondent.

The operative portion of the instant communication reads as follows :-

“Further it is submitted that the Government issued clarification for taking corrections on T.S.L.R. record vide Lr.No.N3/ 129/ 2005 dated 02.03.2005 states as follows :-

“In the event of Government having been made a party to suits relating to contested encroachments the records and demarcation should be altered promptly of the civil Court.”

As per circular No.N3/ (CSS&LR)/ 1373/ 05 dated 31-03-2005 further clarified that the correction of records can be taken on the following points:

a) As provided for under BSO 34 B-10 minor correction in the TSLR and ROM other maps may be carried out by the Collector at his level. These include the following

- @ Interchange of T.S.Nos.
- @ Omission of noting T.S.Nos/ Topo details.
- @ Incorrect spelling of the name of registered holder/ enjoyer.

b) In respect of other corrections proposals have been made to the Government and necessary guidelines will be issued in due course.

In this case the applicant has requested to incorporate the name of Shyamlal S/o.Mohanlal in T.S.No.9 and 10/p for the balance area which is major in nature.

Hence in view of the above I request to kindly issue instructions for incorporating the name of the pattadar in Col.No.20 of T.S.L.R in respect of T.S.No.9 and 10/p Block-C Ward-253 correlated to Sy.No.28 to an extent of 3052 sq. mts. of Meersagar village of Bahadurpura Mandal.”

The grievance of petitioner is that the 1st respondent has already requested for clarification from 3rd respondent and according to the applicable procedure, the 1st respondent or 2nd respondent can act in the matter only after receiving orders from the 3rd respondent.

The petitioner, is content, if the respondents are directed to consider the application dated 06.11.2006 along with letter Rc.No.A2/464/2007, dated 24.01.2008 of the Deputy Director, Survey and Land Records, Hyderabad, letter No.B/4956/2006 dated 29.03.2008 of the Revenue Divisional Officer, Hyderabad, which resulted in Lr.No.B2/7883/2008, dated 06.12.2008 of the District Collector, Hyderabad, and a decision is taken expeditiously.

The prayer substantially appears to be against inaction. With the assistance of learned counsel appearing for parties, I have perused Lr.No.B2/7883/2008, dated 06.12.2008.

This Court is of the view that the respondents ought to have by now looked into the grievance of petitioner together with the

aforesaid reports of Deputy Director, Survey and Land Records and the Revenue Divisional Officer and a decision is taken on the request of petitioner.

In view of long delay in the matter, I am satisfied the writ petition can be disposed of by this order.

(a) The petitioner is given liberty to re-submit application dated 06.11.2006, to all the respondents, along with Lr.No.B2/7883/2008, dated 06.12.2008 of the District Collector, Hyderabad, by enclosing a copy of this order, within six weeks from today.

(b) The respondents are directed to enquire into the matter and take a decision on the application of Sri Shambu Prasad, now pursued through the petitioner, as expeditiously as possible, preferably within three months from the date of re-submission as directed by this order.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 21.02.2018
Prv

