

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**WRIT PETITION No.13506 OF 2018**

Dated:18.04.2018

Between:

Smt.Pabba Laxmi,  
w/o. Late Pabba Pedda Rajeshwar @  
Pabba Rajeshwar,  
Aged about 50 years,  
Occ: Housewife,  
R/o.H.No.4-9-92, LB Shastri Nagar,  
Adilabad, Telangana State – 504 001 and another.

... Petitioners

And

The State of Telangana,  
Rep. by its Principal Secretary to Government,  
Revenue Department,  
Secretariat,  
Hyderabad, T.S. and others.

... Respondents



**The Court made the following:**

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO****WRIT PETITION No.13506 OF 2018****ORDER:**

Aggrieved by the orders of the Tahsildar dated 16.02.2018, petitioner preferred representation before the Revenue Divisional Officer on 24.02.2018. Alleging inaction of the Revenue Divisional Officer on the said representation, this writ petition is filed.

2. The material on record would disclose petitioner filed application during the land records verification programme stating that her husband is pattadar of land in Survey No.65/1, to an extent of Acres 9.27 guntas situated at Savargaon Village and Gram Panchayat, Mavala Mandal, Adilbad District, but by creating illegal sale document in the name of deceased husband, after his death, the land was illegally occupied by the Adilabad District State Teachers Co-operative House Building Society Limited. This application of the petitioner is considered and by the order of Tahsildar dated 16.02.2018, the request of the petitioner is rejected and mutation was granted in favour of the Adilabad District State Teachers Co-operative House Building Society Limited. Against the decision of Tahsildar, appeal shall lie to the Revenue Divisional Officer under Section 5(5) of The Rights in Land and Pattadar Pass Books Act, 1971. However, without

preferring appeal, representation dated 24.02.2018 is made and alleging inaction on the said representation, this writ petition is filed.

3. Learned Assistant Government Pleader raises objection on maintainability of such kind of representations against the decision of Tahsildar. According to the learned Assistant Government Pleader only appeal is maintainable and not representation.

4. On going through the provision of Section 5(5) of Act, 1971, there is merit in the objection raised by the learned Assistant Government Pleader. If a person is aggrieved by the decision of the Tahsildar not acceding to mutate her name in the revenue records or mutating the name of third parties, the appeal lies to the Revenue Divisional Officer under Section 5(5) of the Act. Thus, an aggrieved party has to prefer appeal and not representation, as made by the petitioner.

5. Thus, it cannot be said that the Revenue Divisional Officer erred in not disposing of the grievance ventilated before him.

6. Thus, leaving it open to the petitioner to prefer appeal against the order of the Tahsildar dated 16.02.2018, the writ petition is disposed of. If an appeal is filed within fifteen days from today, the Tahsildar shall take into consideration the factum of submission of representation on 24.02.2018, for

the purpose of computation of limitation by giving due opportunity to the 5<sup>th</sup> respondent herein and subject to consideration of objections, if any made by the 5<sup>th</sup> respondent. Any mutation made as per the directions of Tahsildar shall abide the result of the appeal preferred by the petitioner. It is also open to the petitioner to file application for stay of proceedings of Tahsildar. If such an application is filed, Tahsildar shall consider the same and take a decision within a period of two weeks from the date of filing of the application.

7. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

**18.04.2018**  
**SS**

**P.NAVEEN RAO, J**



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**WRIT PETITION No.13506 OF 2018**

**18<sup>th</sup> APRIL, 2018**

**SS**