

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.15154 OF 2006

ORDER:

This writ petition is filed seeking to set aside the proceedings No.81/876/03, dated 11-8-2004 on the file of the second respondent and consequently direct the respondents to carry out the corrections as proposed by the 5th respondent through his proceedings dated K1/1287/2002, dated 14-8-2003.

2. It is the case of the petitioners that they are the purchasers of land in Sy.Nos.688 and 689 (old Sy.No.784) to an extent of Ac.0.29 guntas of Waddepally village. However, it was recorded in the revenue records as Ac.0.23 guntas.

3. Admittedly, the petitioners were found in possession of land admeasuring Ac.0.29 guntas. The petitioners, by way of an application, approached the 5th respondent for making necessary corrections in the revenue records. The 5th respondent, having satisfied with the reasons for condonation of delay of 28 years in making the application, sent the proposals to the second respondent for rectification.

4. The second respondent, by order dated 11-08-2004, rejected the proposals of the 5th respondent, dissatisfied with the grounds on which the 5th respondent condoned the delay of more than 28 years in filing the application for rectification of survey error.

5. Heard the learned Assistant Government Pleader for Revenue (Telangana) who vehemently submitted that there is a delay of 28 years on the part of the petitioners in filing the application; that they deserve no consideration and that the writ petition has to be dismissed.

6. The original authority i.e., 5th respondent was duly convinced with regard to the delay, has caused enquiry and found that the petitioners were in physical possession of the land in an extent of Ac.0.29 guntas and that on mere technical reasons of delay in getting the records rectified, the ultimate justice in favour of the citizen cannot be denied more particularly when the petitioners are agriculturists. Accordingly, the impugned order dated 11.08.2004 in rejecting the recommendation of the 5th respondent is an unreasoned order as the second respondent has not assigned proper findings.

7. In view of the facts and circumstances of the case, this Court holds the relief in favour of the petitioners by setting aside the order of the second respondent dated 11-08-2004 and consequently, the second respondent is directed to consider the recommendation made by the 5th respondent for making necessary rectification and to issue proceedings accordingly.

8. The writ petition is disposed of accordingly. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 05-03-2018.
Shr.

