THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.6316 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, to direct the first respondent to correct the entries in the Revenue Records by incorporating petitioners name for an extent of Ac 4-03 also in Survey No 258 in Alampur Village of Mahaboobnagar District and also challenging the endorsement issued by the Tahsildar, Alampur, Mahabubnagar dated 15.07.2015, calling upon this petitioner to produce certain documents pertaining to the land in dispute, to enable the Tahsildar to make necessary entries in the pattedar passbooks and title deeds in terms of Section 3 of Land and Pattadar Pass Books Act, 1971 (for short '*ROR Act*').

It is evident from the record that the petitioner became the owner of the property by partition in 1981 and his name was mutated in the revenue records and thereafter, pattedar passbooks and title deeds were issued in favour of this petitioner for the entire extent of Ac.9-00 gts. Necessary mutation was effected in the revenue records maintained in its business. But, suddenly, the Tahsidlar, Alampur deleted Ac.4-03 gts in the pattedar passbook and on that, the petitioner made a representation to the third respondent dated 17.04.2015 and later issued a legal notice. But, the Tahsildar/first respondent issued an endorsement impugned in this writ petition.

The only contention before this Court is that, when necessary entries were made in the revenue records and issued pattedar passbooks and title deeds for the entire extent of Ac.9-00 cents, the Tahsildar is not entitled to delete Ac.4-03 cents without notice to this petitioner and deleting Ac.4-03 cents in the pattedar passbook, unilaterally, without notice to the petitioner is against the principles of natural justice and this view is fortified by the Full Bench judgment of this Court in **Chinnam Pandurangam v. Mandal Revenue Officer**[1].

Admittedly, no notice was issued before deleting Ac.4-03 cents from the revenue records under ROR Act and consequently, the action of the first respondent/Tahsildar is contrary to the law declared by this Court in the Full Bench judgment of this Court in **Chinnam Pandurangam v. Mandal Revenue Officer** (referred supra).

Learned Government Pleader for Revenue (Telangana) placed on record the written instructions received by him from the Tahsildar, Alampur. Even according to these instructions received by the learned Government Pleader, the first respondent/Tahsildar did not issue any notice prior to deleting Ac.4-03 cents from the record of rights. But, insisted to produce necessary documents i.e. partition deed, which was not the objection raised at the time of making necessary entries and issuing pattedar passbooks and title deeds earlier.

When Ac.4-03 cents was deleted from the record of rights under ROR Act, without notice, the action itself is illegal, in view of

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[1] 2007 (6) ALT 134

the law declared by the Full Bench of this Court referred supra. Therefore, the order passed by the first respondent/Tahsildar deleting Ac.4-03 cents from the record of rights under ROR Act, is declared as illegal, arbitrary and violative of principles of natural justice.

Further, the first respondent/Tahsildar is directed to make necessary entries by incorporating petitioner's name in respect of Ac.4-03 cents in Survey No 258 in Alampur Village of Mahaboobnagar District within two months from the date of receipt of copy of this order.

This order will not preclude the first respondent to take necessary action against the petitioner if the pattedar passbooks and title deeds were issued in violation of the provisions of ROR Act and rules framed thereunder, by serving notice in advance to the petitioner and by calling explanation from him.

With the above direction, writ petition is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:25.04.2018

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