

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No.28631 of 2018**

**ORDER:**

The present Writ Petition came to be filed seeking issuance of a writ of mandamus, declaring the action of the respondents 2 to 4 in not issuing patadar passbooks, title deeds and not recording the petitioner's name in pahanies in respect of an agricultural dry land admeasuring Ac.3-09 gts., in Sy.No.261/B2, situated at Timmapur village, Jaffergad Mandal, Jangaon District, despite the petitioner's application dated 23.05.2018 under Rythu Bandhu scheme, as illegal, improper and arbitrary.

2) The averments in the affidavit filed in support of the Writ Petition would show that the petitioner is the absolute owner and possessor of the agricultural dry land admeasuring Ac.3-09 gts., in Sy.No.261/B2, situated at Timmapur village, Jaffergad Mandal, Jangaon District. Originally, his mother viz., Bhupathi Rajeshwari was the possessor of the said land and her name was entered in the revenue records, as a pattadar. Later pattadar passbook and title deed were also issued in her favour. It is stated that due to love and affection, she executed a settlement deed, regarding the above said property, in favour of the petitioner vide Doc.No.2536 of 2017 dated 04.08.2017. Immediately, thereafter, he made an application to respondents 3 and 4, requesting them to mutate his name in the

revenue records pursuant to the settlement deed. It is said that the name of the petitioner was mutated in the revenue records and issued R.O.R., 1-B and pahanies. While things stood thus, the Telangana State Government introduced a scheme known as "Comprehensive Land Survey and Settlement of Land Records" in the state, so as to set right the anomalies if any in the revenue records. As per the said directions, the petitioner also made an application to the respondents 3 and 4. Pursuant to which, the land was surveyed together with the lands of others in the village. But strangely, the pass book/title deed was not issued to the petitioner in spite of his repeated requests. When the petitioner approached the 4<sup>th</sup> respondent, he was directed to meet the 5<sup>th</sup> respondent and settle the matter, without disclosing any reason. It is said that the petitioner approached the 5<sup>th</sup> respondent, who is said to have advised the petitioner to settle the matter with a real-estate broker. The representation made by the petitioner dated 23.05.2018 is kept ending without passing any orders. The averments in the affidavit show that the respondents 4 and 5 seems to have threatened the petitioner stating that unless he settles the issue, he would not get the pass books. The inaction of the respondents, lead to filing of the present Writ Petition.

3) Learned counsel for the petitioner would submit that the action of the 4<sup>th</sup> respondent in not considering the request of the

petitioner, though the name of the writ petitioner reflects in 1(B) Form (ROR), is illegal and improper.

4) On the other hand, the learned Assistant Government Pleader on instructions, states that the discreet enquiries made by the Tahasildar revealed that the mother of the petitioner, sold away the subject property to the third parties in the year 2006, by executing a deed on a Ten rupees stamp paper and as such, pattadar passbook could not be issued to the petitioner.

5) It appears that the discreet enquiries made by the Tahasildar prevailed over the documentary evidence, more particularly in the Form 1(B), wherein the name of the petitioner was shown as pattadar. Further, the Adangal dated 03.08.2017 issued through 'Meeseva' also shows the name of the petitioner in the pattadar column as well as in the possessory column.

6) Having regard to the above, the Tahasildar was directed to appear before this Court to explain as to why pattadar passbook was not issued. Pursuant thereto, on 23.08.2018, the Tahasildar appeared before this Court. Learned Government Pleader Sri Bhaskara Reddy, who appeared in this matter, would submit that since third parties are in possession of the subject property and in view of the provisions of the Act, normally they are not entitled for issuance of pattadar passbooks. However, he submits that a mistake has been

committed by Tahasildar on the said issue and the same would be rectified.

7) As stated by me earlier, the name of the petitioner is found in 1(B) issued through "Meeseva" dated 12.02.2018 and the name of the petitioner is also shown in the columns of "pattadar" and "occupier" of the pahanis obtained by the petitioner through "Meeseva" dated 03.08.2017. From the above, *prima facie* it is clear that the petitioner is in possession of the property. If really, the mother of the petitioner has executed a "Sada sale deed" in the name of third parties in the year 2006, some effort should have been made by the purchaser either to get the sale deed regularized or to get their names mutated in the revenue records, at the earliest. For a period of 12 years, no effort has been made by them, to get their names recorded. Hence, the Tahasildar was not right in not considering the application of the petitioner made for issuance of Pattadar Passbook, on the ground that his enquiries revealed something else. His personal information cannot be made the basis to deal with the requests made basing on the record.

8) Having regard to the above, the Writ Petition is disposed of directing the 4<sup>th</sup> respondent to consider the application of the petitioner dated 23.05.2018 forthwith, in accordance with law, however, with a strong warning to the Tahasildar to be more careful in future, in dealing with matters of this nature.

9) There shall be no order as to costs. Miscellaneous  
Petitions pending if any in this Writ Petition shall stand closed.

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**C. PRAVEEN KUMAR, J**

Date: 27.08.2018  
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