

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31728 of 2018

ORDER:

1) Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

2) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondents in not issuing pattadar pass book and title deed to the petitioner, despite holding valid title in respect of land admeasuring As.2.05 guntas in Survey No.37/A, situated in Mulugu village and mandal, Siddipet district, as illegal, arbitrary.

3) By an order dated 24.07.2018, this Court in W.P.No.22755 of 2018 rejected the request of the petitioner for consideration of the representation dated 18.05.2018, as premature. The Court held as under:

“Now, the petitioner wants consideration of firstly the representation and secondly issue pattadar passbook and title deed to her. The petitioner prays for issuing pattadar passbook/title deed to her for land in an extent of Acs..205 guntas in Survey No.37/A in Mulugu Village and Mandal, Siddipet District. The representation dated 18.05.2018 was made for a different purpose.

Be that as it may, the writ prayer is completely premature, for in anticipation of granting patta in favour of Radhika, representation is already made. The petitioner, if is aggrieved by ultimate grant of patta, is required to assail the patta before appellate authority/revisional authority. On the other hand, the petitioner, if wants patta, should make application in the form prescribed by the rules and also submit all the relevant documents. After a duly filled in application is submitted, if inaction still continues after sending a reminder and complying with the requirements of demand and refusal, the writ jurisdiction can be invoked.”

Subsequent to the order passed, the petitioner got issued legal notice dated 10.07.2018 reminding the authorities to consider the representation dated 18.05.2018. The endorsement made on 18.05.2018, by Revenue Divisional Officer, Gajwel, indicates action being taken under Section 5 (A) of the ROR Act. Basing on the said endorsement, learned Government Pleader would contend that the pass book must have been issued in the name of one Radhika and that steps should be taken by the petitioner, in accordance with law. The same is disputed by the learned counsel for the petitioner stating that till date no pass book is issued in favour of the petitioner or the said Radhika.

4) Without going into merits of the case and having regard to the submissions made, the Writ Petition is disposed of directing respondent No.4 - Tahsilar to deal with the representation dated 18.05.2018, and the notice dated 10.07.2018 issued by the petitioner, in accordance with law,

as early as possible, preferably within a period of three (03) months from today, after hearing the petitioner and also said Radhika.

5) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

05.09.2018
vnb

