

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.2790 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, declaring the action of respondent No 3 in not taking any action pursuant to the representations dated 04-01-2016 and 02-12-2015 respectively submitted by the petitioner for deletion of the name of the Respondent No 4 in the Adangal/Pahanies and other revenue records in respect of the lands to an extent of Ac 4-00 gts in Sy.No.801 of Kunchinerla Village Gattu Mandal Mahaboobnagar District as illegal arbitrary and violative of Article 300-A of the Constitution of India and consequently direct the respondent No 3 to delete the name of the 4th respondent in ROR and also issue Pattadar Passbook and Title Deed in favour of the petitioner for the land to an extent of Ac.10-24 gts in Sy No 801 of Kunchinerla Village Gattu Mandal Mahaboobnagar District.

It is alleged that the mother of the petitioner Vadla Eeramma, W/o. Somanna is the absolute owner and possessor of the agricultural lands of an extent of Ac.10-24 gts in Sy.No.801 of Kuchnerla Village, Gattu Mandal, Mahabobnagar District, having devolved on her through her ancestors. The name of the petitioner's mother was also reflected in the Khasra Pahani from the year 1954-55 to till 2001-02. When the petitioner's mother died 15 years back, the petitioner and the petitioner's brother Vadla Kalappa, being the legal heirs of late petitioner's mother, have been in actual possession and enjoyment of the said lands by

cultivation. It is submitted that, the petitioner and his brother has no other lands except the subject lands and they have been eking out their livelihood with the income derived from the above said lands which are being cultivated by them.

It is further submitted that, as the things stood thus, the 4th respondent who has no right, title or interest over the subject property is claiming title over an extent of Ac.4-00 cents out of total extent of Ac.10-24 gts. When the petitioner questioned him, under what authority does he got right over the said extent of lands, he informed the petitioner that the Mandal Revenue Officer issued the Proceedings ROR D/63/2001 dated -2-2001 in his favour for the above said extent. Immediately, when the petitioner enquired in the 3rd respondent's office about issuance of the said proceedings and staff of the 3rd respondent informed the petitioner that there is no such file to issue the Proceedings ROR D/63/2001 dated -2-2001, issued in favour of the 4th respondent. The petitioner reliably learnt that the said proceedings brought into existence by the 4th respondent as if he acquired the said lands by way of assignment by the Boodhan Board in the year 1991, however to the petitioner's knowledge, the Boodhan Board was not existing in the year 1954-55 and prior to that and that the lands are the patta lands of petitioner's mother which is clearly mentioned in the Adangal/Pahanies, copies of which are available with the petitioner. Further, it is submitted that, the 4th respondent by creating false and fake documents with the active connivance of the some staff of the revenue department got his

name included in the Adangal/Pahanies in order to enrich illegally. Hence, the petitioner and his brother have submitted the representations dated 02-12-2015 and 04-01-2016 to the 3rd respondent herein requesting to conduct enquiry into the matter and delete the name of the 4th respondent in ROR as well as inclusion of the petitioner names in ROR and also issuance of the Pattadar Passbooks and Title Deed in favour of petitioners for the subject property, but the 3rd has not taken any action against the 4th respondent herein. Hence, the present writ petition.

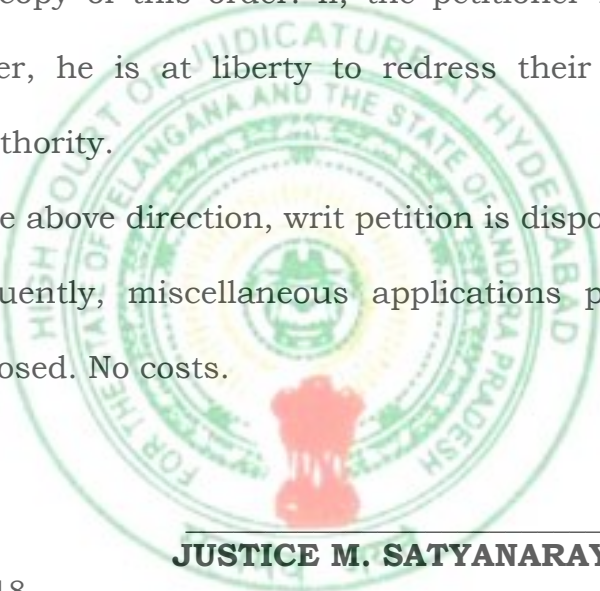
During hearing, learned counsel for the petitioner Sri V.R. Machavaram reiterated the contentions, whereas, the learned Government Pleader for Revenue (State of Telangana) contended that, as the land was vested with Bhoodan Yagna Board and later allotted to the fourth respondent, unless there is an order from the Court, the third respondent cannot delete the name of the 4th respondent in the revenue records and mutate the name of this petitioner for the land to an extent of Ac 4-00 gts in Sy.No.801 of Kunchinerla Village Gattu Mandal Mahaboobnagar District. Therefore, the petitioner is not entitled to seek the relief claimed and prayed to dismiss the writ petition.

It is clear from the allegations made in the writ petition that, the petitioner herein and his brother became owners of an extent of Ac.10-24 gts in Sy.No.801 of Kuchnerla Village, Gattu Mandal, Mahabobnagar District after 15 years by succession and the alleged donation of the land in favour of Bhoodan Yagna Board by any person is not evidenced by any document. Moreover, the representation of this petitioner is pending with the third

respondent for deletion of the name of the fourth respondent in the revenue records and for mutation of the name of this petitioner. If, the land is donated to Bhoodan Yagna Board, the third respondent can pass appropriate order on the representations dated 04-01-2016 and 02-12-2015. But, keeping it pending for such a long period amounts to deliberate inaction on the part of the third respondent. Therefore, the third respondent is directed to dispose of the representations dated 04-01-2016 and 02-12-2015 within three months, in accordance with law, from the date of receipt of copy of this order. If, the petitioner is aggrieved by such an order, he is at liberty to redress his remedy before competent authority.

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:24.04.2018

SP