

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34014 of 2018

ORDER:

This writ petition is filed aggrieved by the action of 4th respondent in issuing notice vide No.R.O.R./14789/2017, dated 18-07-2018 calling for objections of the petitioner for mutation of the land to an extent of Ac.1-20 guntas in Sy.No.152, Chakalavanipally Village, Damargidda Mandal, Mahabubnagar district as Government land and thereon unilaterally deleting the said land from the land khata of the petitioner, though himself and his predecessors are in possession of said land for over 50 years.

It is the case of the petitioner that he is the absolute owner and possessor of Land to an extent of Ac.8-30 guntas in Sy.No.152 of Chakalavanipally Village, Damaraigidda Mandal, Mahabubnagar District, which includes the above said land. The entire land was part of larger extent of Ac.11-06 guntas which is recorded as petitioner's ancestral patta land. The entire land was in the name of petitioner's uncle i.e. his father's elder brother in the revenue record till the year 1982, who was karta of joint family. After death of his uncle, the petitioner was issued pattadar passbook and title deed after effecting mutation. The entire land was recorded as patta land of the petitioner's family in the revenue records since 1975-76 till the impugned notice was issued. The petitioner's name was mutated and recorded in the revenue records as pattadar from 2000-2001. The Record of Rights (ROR) issued in form 1-B

also reflects the name of the petitioner as the pattadar. It is further stated that the Telangana State has taken-up the updation of the revenue records and called for the information/objections from the landowners/interested persons to update the revenue records in respect of their lands. The petitioner requested the 4th respondent for updation of records. Instead of issuing latest paddar passbook in favour of the petitioner, he was issued impugned notice dated 18-07-2018 asking him to file his objections by 25-07-2018 for mutation of revenue records with respect to the said land as government land acquired for the purpose of providing houses for scheduled caste persons vide Award No.23/76 Rc.No.L2/705/75, dated 22-01-1976.

Learned counsel for the petitioner submits that without passing any orders though the petitioner submitted reply on 25-07-2018 in pursuance to the impugned notice, the respondents are trying to dispossess the petitioner and are trying to take further action, which is illegal and arbitrary. More so, the petitioner and his predecessors-in-title are in possession from 1975 onwards and they have not received any notice under Land Acquisition Act and they were not parties to the Land acquisition proceedings.

On the other hand, learned Assistant Government Pleader for Revenue submits that the revenue authorities wanted to update the records and for that purpose only they issued notice and the same cannot be faulted.

In this case it is to be seen that having issued the notice and received the explanation from the petitioner, the 4th respondent could have considered the same and passed the orders.

In view of the same, it is open for the petitioner to submit necessary documents in support of his claim within a period of four (04) weeks from today and 4th respondent is directed to consider the explanation of the petitioner and also the documents filed by the petitioner, if any and pass appropriate orders after giving opportunity of hearing him. Till then, no coercive steps will be taken against the petitioner. It is also open for the petitioner to raise all objections which are raised here or otherwise.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

24-10-2018

Nvl



