

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO. 39750 OF 2018

ORDER:

It is the case of the petitioners that they are the purchasers of land of an extent of Ac.7.05 guntas comprising of Ac.2.20 guntas in Sy.No.257/AA1 and Ac.3.00 guntas in Sy.No.257/AA3 in the name of petitioner No.1; and Ac.1.25 guntas comprising of Ac.0.21 guntas in Sy.No.249/AA2, Ac.0.16 guntas in Sy.No.250/E1, Ac.0.28 guntas in Sy.No.257/AA3 in the name of petitioner No.2 from their vendor. Though the petitioners have filed an application on 30.8.2018 under Sections 4 and 5 of the ROR Act seeking to issue pattadar pass books in their favour, respondent No.4 who is the competent authority is not processing the same in terms of the Telangana Rights in Land and Pattadar Pass Book Rules, 1989 on the ground that O.S.No.202 of 2018 was filed by the son and daughter of the petitioner's vendor seeking injunction not to alienate the property.

2. It is the contention of the petitioners that the right in the property has already been transferred in their favour on execution of a registered sale deed. Even assuming that an injunction is granted, the same would not alter the position with respect to ownership. Under such circumstances, learned

counsel for the petitioner seeks a direction to respondent No.4 to process the application of the petitioners in accordance with law.

3. Learned GP submits that respondent No.4 is duty bound to process the application of the petitioners by strictly following the procedure prescribed under the rules.

4. Having regard to the respective submissions, it may be noticed that the respondent No.4 is required to follow Rule-9 of Telangana Rights in Land and Pattadar Pass Book Rules, 1989 as applicable to the state of Telangana. He is required to cause an enquiry and thereafter make a speaking order either accepting or rejecting the claim of the petitioners.

5. In the above circumstances, this Writ Petition is disposed of by directing respondent No.4 to complete the enquiry and pass appropriate orders within 12 weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 5.11.2018
KPM