

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.14851 of 2011

AND

WRIT PETITION No.41753 of 2018

COMMON ORDER:

The subject property, so also the grievance, in both these writ petitions being identical, they are taken up together for disposal by way of this common order.

Brief facts as can be culled out from the averments in the writ affidavit are that the 1st petitioner and her husband (late Sangam Radha Krishna Goud) have jointly purchased an extent of Ac.2-10 guntas in Survey No.109 of Ramanthapur village, Shankarpally mandal, Ranga Reddy District, from one Tambali Chandraiah through a registered sale deed Document No.7289/2005 dated 29.08.2005. Tambali Chandraiah is said to have purchased the property from one M. Subhadra through registered document No.4482/2004. M. Subhadra is said to have acquired title to the property having purchased it from one K. Vittal Reddy through registered document No.439/2003. It is stated that the names of erstwhile owners of the subject property have been entered in the revenue records during their respective periods of ownership and that M. Subhadra was issued pattadar passbook and title deed vide proceedings No.B/407/2003. It is the further case of the petitioners that though the 4th respondent has issued title deed and pattadar passbook in favour of the 1st petitioner (mother of 2nd petitioner) and her husband, the 4th respondent has not taken steps to enter their names in the Adangals and pahani records, though the previous Tahsildar issued proceedings dated 27.12.2005 permitting to mutate their names in the revenue records. After the demise of husband of 1st petitioner on

23.04.2007, the petitioners approached the 4th respondent to effect mutation of their names against the subject property in the revenue records as they are the legal heirs of late Radha Krishna Goud. As no action was taken on their request for mutation, the petitioners filed W.P.No.14851 of 2011 before this Court. Even during pendency of the said writ petition, the petitioners again approached the 4th respondent and submitted a representation dated 07.05.2013 for mutation of their names. The 4th respondent issued pattadar passbooks to the petitioners and entered the name of 2nd petitioner and his younger brother's name jointly against Ac.1-05 guntas; and the name of the 1st petitioner against Ac.1-05 guntas. However, the mutation of names of petitioners in the pahanis and adangals has not been done. On enquiry, the petitioners were told that the subject land of Ac.2-10 guntas is shown as Ceiling Land in the Register under Section 22-A of the Registration Act. Thereafter, in view of the representation of the petitioners, the 4th respondent has addressed a letter dated 11.09.2017 to the 3rd respondent bringing out all the factual aspects of the case as per revenue records, and requested the 3rd respondent to delete the land of the petitioners from the category of Ceiling Land in the 22-A register.

The grievance of the petitioners is that no action is taken till date by the 3rd respondent on the letter dated 11.09.2017 though the recitals in the revenue records and also the lineage of transactions on the subject property till date show that the subject property does not come under prohibitory list.

Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue, State of Telangana.

Learned counsel for the petitioners submits that inspite of the petitioners having title to the subject properties through registered sale deeds and mutation orders in their favour, the respondents have included the

subject property in Section 22-A of the Registration Act. When the petitioners made an application to the 4th respondent for mutation of their names in the revenue records, the 4th respondent after verification has addressed a letter dated 11.09.2017 to the 3rd respondent stating that the subject land is not Ceiling Land. But in spite of that, the 3rd respondent has not passed any orders. Therefore, the learned counsel submits that since the District Collector is the competent authority to deal with deletion of the land from the list of prohibited properties, the petitioners may be permitted to make an application to the District Collector. He further submits that since the mutation of properties basing on the mutation orders dated 27.12.2005, depends on the action taken by the 2nd respondent on the representation of the petitioners, both the writ petitions can be disposed of together.

In view of the same, it is open for the petitioners to make an application to the 2nd respondent-District Collector along with necessary documents for deleting the property from the list of prohibited properties. On such representation, the 2nd respondent is directed to consider the same and pass appropriate orders on the representation, in accordance with law, within four months from the date of making representation. If the orders passed by the 2nd respondent are in favour of the petitioners, the 4th respondent is directed to take action for mutating the names of petitioners in the revenue records. Otherwise, it is open for the petitioners to challenge the orders passed by the 2nd respondent in accordance with law.

With the above direction, the writ petitions are disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE A. RAJASHEKER REDDY

28.11.2018
KSM

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