

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3654 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:-

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 5th respondent in not finalizing the enquiry in pursuance of the notice vide Rc.C.No.C2/811/2015 dated 17.11.2015 and also letter addressed by the 2nd respondent on 21.6.2018 for mutation of the names of the petitioner and his brother in the revenue records for the land to an extent of Ac.13.02 guntas in Sy.No.317/2, an extent of Ac.1.10 guntas in Sy.No.319/2 and an extent of Acs.6.13 guntas in Sy.No.334/2, totally admeasuring of Acs.20.25 guntas respectively situated at Peruvancha Village, Kalluru Mandal, Khammam District, as illegal, arbitrary and violative of principles of natural justice and consequently direct respondent No.5 to finalize the enquiry by following due procedure as per ROR Act and to pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case.”

Perusal of the communication dated 21.6.2018 addressed by the Collector and District Magistrate, Khammam, to the Tahsildar, Kalluru Mandal, Khammam District, reflects that having received the application made by the petitioner on 28.5.2018, whereby he requested issuance of pattadar pass books and title deeds to him in relation to the land admeasuring Acs.20.25 guntas in Survey Nos.317, 319, 332, 334 and 335 of Peruvancha Village, Kalluru Mandal, Khammam District, the Collector directed the Tahsildar to conduct a detailed enquiry and take necessary action as per the Rules in force and submit an action taken report to his office under intimation to the petitioner.

The aforestated communication clearly demonstrates that the Tahsildar, Kalluru Mandal, Khammam District, was not only

directed to conduct an enquiry but also to take necessary action upon the request of the petitioner for issuance of the pattadar pass books and title deeds in relation to the subject lands.

Upon the pointed query of this Court, Sri M.M.M.Srinivasa Rao, learned counsel for the petitioner, fairly conceded that there is no provision in the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for brevity, 'the Act of 1971'), which clothes the Tahsildar with the power to remove the names already entered in the revenue records and substitute the same with that of other persons when there is no decree of a competent civil Court directing him to do so.

It is an admitted fact that the names of the unofficial respondents herein find mention in the revenue records as against the subject lands. In effect, the Tahsildar is now asked to undertake review of the entries already made and to substitute them with the name of the petitioner by removing the names of the unofficial respondents from the revenue records. The Tahsildar has no such power under the Act of 1971.

Merely because the Collector issued a communication to the said effect, it would not have the effect of vesting the Tahsildar with such power. The failure on the part of the Tahsildar to abide by this irregular direction of the District Collector, Khammam, therefore cannot be said to be unlawful. This Court sees no grounds to direct the Tahsildar to implement or act upon such directive of the District Collector.

The Writ Petition is devoid of merit and is accordingly dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

22nd February, 2019
dr

