

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.3657 OF 2019

ORDER

Challenge in this writ petition is to the order dated 31.12.2018 passed by the Tahsildar, Shankarampet Rural Mandal, Medak District, in exercise of power under Section 4 of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 (*for brevity*, 'the Act of 1977').

As Sri N.Manohar, learned counsel for the petitioner, claimed that no notice was served upon the petitioner, the person in occupation of the land in question, and that the order dated 31.12.2018 was passed behind his back, the learned Assistant Government Pleader for Revenue, State of Telangana, was asked to produce the original record.

Today, the record was produced before this Court.

Perusal of the impugned order dated 31.12.2018 reflects that the notice in Form-II was stated to have been served upon K.Babul Reddy, the petitioner, on 24.11.2018. Sri N.Manohar, learned counsel, would assert that the notice was actually received by the petitioner's father on 04.01.2019. The record reflects that a notice in Form-II was also issued in the name of the petitioner's father and served upon him. It is patent to the eye that the date affixed under the signature of the receiver was tampered with. The date appears to have been 04.01.2019 which was altered to look like 04.09.2018. There is no mention of the date, 24.11.2018, either in the notice addressed to the petitioner or to the notice addressed to his father. That apart, the certified copy of the impugned order dated 31.12.2018 provided to the petitioner is different from the copy of the order that is available in the record.

It is therefore clear that the record was manipulated to suit the interests of the revenue authorities as the order seems to have been passed by the Tahsildar, Shankarampet Rural Mandal, Medak District, without actually adhering to the due procedure though seeming to appear to do so.

It is not open to the Tahsildar, Shankarampet Rural Mandal, Medak District, to resort to such illegal exercise of power by blatantly abusing the due procedure.

When this Court expressed inclination to pass interim orders on the strength of the aforestated facts, the learned Assistant Government Pleader for Revenue fairly stated that instead of keeping the matter pending and as the Court had come to the *prima facie* conclusion that the impugned order dated 31.12.2018 was unsustainable owing to the discrepancies in the record, the same may be set aside leaving it open to the Tahsildar, Shankarampet Rural Mandal, Medak District, to take action afresh.

Accepting this submission, the writ petition is allowed setting aside the impugned order dated 31.12.2018. This order shall however not preclude the Tahsildar, Shankarampet Rural Mandal, Medak District, from initiating proceedings afresh under the provisions of the Act of 1977. The Tahsildar, Shankarampet Rural Mandal, Medak District, shall be mindful of the fact that he is required to adhere to the due procedure prescribed in the enactment in true letter and spirit and not to resort to another colourable exercise of such power, as is manifest in the passing of the order dated 31.12.2018.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

26th FEBRUARY, 2019

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