

THE HON'BLE SRI JUSTICE SANJAY KUMAR

W.P.Nos.3692, 3982, 3985, 3988, 4341, 5034, 5047 & 5286 of 2019

COMMON ORDER:

The prayers of the petitioners in this batch of cases read as under:

W.P.No.3692 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt 10.1.2019 may be set-aside, and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of Ac.6. 12 ½ guntas (Sy.No.159 – Ac.1.24 gts., Sy.No.160 – Ac.1.35 gts., Sy.No. 161 – Ac.0.23 ½ gts., Sy.No.162 – Ac.0.13 gts., Sy.No.163 – Ac.0.15 gts., Sy.No.163 – Ac.0.02 gts., Sy.No.166 – Ac.0.12 gts., Sy.No.167 – Ac.0.12 gts., Sy.No.169 – Ac.0.19 gts., Sy.No.170 – Ac.0.06 gts) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt. 4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

W.P.No.3982 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt. 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt.10.1.2019 may be set-aside and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of Ac.2.10 guntas (Sy.No. 215 – Ac.0.37 gts., Sy.No.215/RU – Ac.1.13 gts.) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt.4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

W.P.No.3985 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt. 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt.10.1.2019 may be set-aside and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar

pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of Ac.5.05 guntas (Sy.No. 217 – Ac.4.04 gts., Sy.No.218 – Ac.1.01 gts.) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt.4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

W.P.No.3988 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt. 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt.10.1.2019 may be set-aside and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of Ac.5.16 guntas (Sy.No. 216 – Ac.0.28 gts., Sy.No.217 – Ac.4.28 gts.) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt.4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

W.P.No.4341 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt. 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt.10.1.2019 may be set-aside and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of Ac.3.35 ½ guntas (Sy.No. 151/AA – Ac.0.07 ½ gts., and Sy.No.226/AA – Ac.3.28 gts.) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt.4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

W.P.No.5034 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt. 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt.10.1.2019 may be set-aside and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of

Ac.40.11 guntas (Sy.No. 126 – Ac.03.00 gts., 127 – Ac.11.00, 128 Ac.10.00 and Sy.No.129 Ac.16.11 gts.) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt.4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

W.P.No.5047 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt. 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt.10.1.2019 may be set-aside and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of Ac.26.39 guntas through registered sale deed from my vendors (Sy.No. 126 – Ac.09.00, 128 – Ac.2.00 gts.) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt.4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

W.P.No.5286 of 2019

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the memo No.B/2449/2018 dt. 10.1.2019 issued by the 3rd respondent is illegal, arbitrary, unconstitutional and also violation of the Articles 14, 16, 19(1)g, the said memo No.B/2449/2018 dt.10.1.2019 may be set-aside and to issue the consequential direction to the respondents to consider the application for issuance of new pattedar pass books and title deeds in place of existing/old pattedar pass books and title deeds to the petitioner in respect of the land an extent of Ac.6.14 guntas (Sy.No. 160 – Ac.0.26 gts., Sy.No.161 – Ac.0.36 gts., Sy. No. 162- Ac.0.18 gts., Sy.No. 163 – Ac.0.14 gts., Sy.No.159 Ac.1.30 gts., Sy.No.164 – Ac.0.04 gts., Sy.No.172 Ac.0.03 gts., Sy.No.141 – Ac.1.19 gts., and Sy.No.141 – Ac.24 gts) situated at Sabashpally Village, Shivampet Mandal, Medak District and further direct the respondents to extend the benefits under the Rythu Bandhu Scheme in terms of the G.O.Rt.No.231 dt.4.4.2018 and pass such other and further order or orders deems fit and proper in the interest of justice.'

By the Memo dated 10.01.2019, the Tahsildar, Shivampet Mandal, Medak District, cited the pendency of the *status quo* order dated 23.01.2017 passed in W.A.No.1432 of 2016 as a ground for not considering issuance of new pattadar pass books to the petitioners in these cases in relation to implementation of the Rythu Bandhu Scheme.

Be it noted that the petitioners were already issued regular pattadar pass books under the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, in relation to the lands claimed by them in various survey numbers of Sabashpally Village, Shivampet Mandal, Medak District, as set out in the prayer portion of each of these cases, extracted *supra*.

W.A.No.1432 of 2016, which was relied upon by the Tahsildar, Shivampet Mandal, Medak District, arose out of the order dated 22.09.2016 passed in W.P.No.33133 of 2014. However, W.P.No.33133 of 2014 only related to the lands claimed by the writ petitioner therein in Survey Nos.136, 137, 227 and 228 of Sabashpally Village, Shivampet Mandal, in addition to the lands in other Taluqs of Medak District.

Significantly, there was no mention of any of the survey numbers in Sabashpally Village, Shivampet Mandal, in which the petitioners claim rights. Therefore, the *status quo* order passed on 23.01.2017 in W.A.No.1432 of 2016 cannot be extended beyond the scope of the order passed in W.P.No.33133 of 2014. The petitioners' lands in the survey numbers mentioned by them did not fall within the ambit of the order in W.P.No.33133 of 2014 and consequently, they would not come within the scope of the *status quo* order passed in W.A.No.1432 of 2016.

That being so, it is not open to the Tahsildar, Shivampet Mandal, Medak District, to cite the aforesaid *status quo* order as a ground to deny the petitioners the new pattadar pass books which would have to be issued to them in terms of the Government's policy so as to enable them to avail the benefit of the Government's Rythu Bandhu Scheme. It is not in dispute that their existing pattadar pass books have not been cancelled and continue to remain in operation as on date.

The writ petitions are accordingly disposed of directing the Tahsildar, Shivampet Mandal, Medak District, to reconsider the applications of the petitioners for issuance of new pattadar pass books in relation to their lands covered by the existing pattadar pass books without reference to the *status quo* order dated 23.01.2017 passed in W.A.No.1432 of 2016. This exercise shall be completed by the Tahsildar expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order, be it from whatever source.

Pending miscellaneous petitions in this batch of cases, if any, shall stand closed in the light of this final order. No order as to costs.

Date:15.03.2019

GJ

JUSTICE SANJAY KUMAR

