

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4554 OF 2019

O R D E R:

1 The grievance of the petitioners in this case is with regard to the action of the Joint Collector, Warangal (Urban), the revisionary authority, in giving a specific direction to the Tahsildar, Kazipet Mandal, Warangal (Urban), to ascertain the validity of the simple sale deed while requiring him to conduct a *de novo* enquiry.

2 Perusal of the record reflects that the 4th respondent herein claimed rights in the subject land under a simple sale deed and made an application under Section 5-A of the Telangana Rights in Land and Pattadar Passbooks Act, 1971, (for brevity 'the Act of 1971'). Acting upon the said application, the Tahsildar, Kazipet Mandal, Warangal Urban, regularised the simple sale deed and issued a certificate in Form 13-B. The complaint of the petitioners was that no notice was given to the rightful owner-their father who was alive at that point of time. Having come to know of the steps taken under Section 5-A of the Act of 1971, the petitioners preferred an appeal under Section 5-B of the Act of 1971 before the Revenue Divisional Officer, Warangal. By order dated 01.10.2016, the appellate authority set aside the regularisation order passed by the Tahsildar concerned and cancelled the consequential pattadar passbook/title deed issued to the 4th respondent herein. Aggrieved by this order, the 4th respondent filed a revision under Section 9 of the Act of 1971, which resulted in the impugned order dated 11.01.2019, whereby the Joint Collector, Warangal (Urban), directed a *de novo* enquiry requiring the Tahsildar, Khazipet, to issue notice to all interested persons and to conduct a field inspection so as to record the adjacent pattadars' statements etc., for bringing out the genuineness of

the simple sale deed. Appropriate orders were directed to be passed within two months.

3 The grievance of the petitioners is that the revisionary authority issued specific directions to the Tahsildar in relation to testing the genuineness of the simple sale deed. However, it may be noted that Section 5 (A) (2) of the Act of 1971 requires the Tahsildar concerned to make such enquiry as may be prescribed when he receives an application for regularisation of an unregistered conveyance. Rule 22 of the Telangana Rights in Land and Pattadar Passbooks Rules, 1989, deals with the exercise of power by the Tahsildar under Section 5 (A) of the Act of 1971. Sub-Rule 3 thereof prescribes that upon receipt of an application under Section 5 (A) (2) of the Act of 1971, the Tahsildar shall issue notice to the alienor or transferor apart from causing issuance of notice to all other persons believed to be interested in the land. As per Sub-Rule (4), on the day appointed for such enquiry, the Tahsildar is required to hear the parties and examine their documents and witnesses, if any, apart from taking such further evidence as he may consider necessary to satisfy himself that the alienation or transfer is not in contravention of any of the provisions of the Acts referred to in Rule 9 (1) (a) (iv). The Explanation appended to sub-rule (4) makes it clear that for the purpose of conducting an enquiry, the Tahsildar should conduct a local enquiry and obtain corroborative evidence from the neighbouring ryots and village elders.

4 In the light of the aforestated statutory scheme, this Court finds that the specific directions given by the Joint Collector, Warangal (Urban), as a revisionary authority, did not transgress or violate the procedure prescribed under Rule 22, as set out supra.

5 In that view of the matter, no interference is warranted with the order passed by the revisionary authority or the specific directions contained therein.

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

7 Pending Miscellaneous Petitions, if any, shall also stand dismissed.

No order as to costs.

JUSTICE SANJAY KUMAR

March 6, 2019
Kvsn

