THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4902 OF 2019

O R D E R

The prayer of the petitioners in this case reads as under:

> 'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 4th respondent in not considering the petitioners representation dt. 25.01.2019 for deletion the name of respondent No. 5 in revenue records pertains to the property situated in Sy. No. 55/E/3 extent Ac. 0-07 ½ guntas and Sy. No. 54/A/3 extent Ac. 1-39 ½ Guntas situated at Hanmapur village, Bhongir Mandal, Yaadadri Bhongir district as being illegal, arbitrary and violation of article 14, 21 of Constitution of India and consequently direct the 4th respondent mutate petitioners name in revenue records pertains to above property by deleting the name of respondent No 5 and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.'

Sri Ch.Lakshmi Narayana, learned counsel, complains of inaction on the part of the revenue authorities upon the petitioners' representations dated 25.01.2019. By the said representations, the petitioners stated that they purchased the subject land and unknown persons were trying to get their names mutated in the land records and asked the revenue authorities to stop such mutation proceedings. It is however an admitted fact that the mutation was carried out in favour of the fifth respondent herein on 01.03.2019.

Once the mutation is carried out, rightly or erroneously, the Tahsildar concerned would cease to have the power of reviewing the same. Section 3(3) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (*for brevity,* 'The Act of 1971') saves the power of rectification by the Tahsildar only for a period of one year from the date of notification of the Record of Rights under Section 3(2) thereof. The Tahsildar would not have such power of rectification and review every time he makes an entry in the revenue records thereafter. If any person is aggrieved by the entry made in the revenue records by the Tahsildar concerned, his remedy would be by way of an appeal under Section 5(5) or revision under Section 9 of the Act of 1971.

It is the admitted case of the petitioners that they have not filed any such appeal or revision in accordance with the prescribed format along with the requisite fee. Without taking recourse to the statutory remedies available to them, it is not open to the petitioners to complain of inaction on the part of the revenue authorities upon their representations dated 25.01.2019 after the event, viz., the mutation effected by the Tahsildar.

It may also be noted that it is not the case of the petitioners that their names were ever entered in the revenue records in relation to the subject land whereby they can claim violation of the due procedure as recognized by a Full Bench of the erstwhile combined High Court for the States of Telangana and Andhra Pradesh in CHINNAM PANDURANGAM V/s. MANDAL REVENUE OFFICER[1].

In that view of the matter, the writ petition is devoid of merit and is accordingly dismissed. This order shall however not preclude the petitioners from taking recourse to either of the statutory remedies available to them in accordance with the due procedure.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

____
SANJAY KUMAR, J

11th MARCH, 2019

Svv

[1] 2007(6) ALD 248