

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5165 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 3rd Respondent in incorporating the name of the 4th Respondent in the Revenue Records in respect of land in Sy.No.196/AA1/AA admeasuring Ac.0.02 gts, Sy.No.157/AA2 admeasuring Ac.0.33gts, total land Ac.0.35 gts of land situated Jeerlapally Village, Jharasangam Mandal, Sangareddy District, without any notice as illegal, arbitrary violation of Principles of Natural Justice and also contrary to the provisions of Rights in Land and Pattadar Pass Book Act 1971 and unconstitutional and being violative of Articles 14 and 21 of the Constitutional of India and consequently direct Respondent No.3 to incorporate the Petitioner's name in Revenue Records in respect of the aforestated lands pursuant to the letter addressed by the 2nd Respondent dated 25.08.2018 vide Letter No.D1/1984/2018 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 record reflects that the mutation in favour of the unofficial respondent was carried out by the Tahsildar concerned in the year 2012 itself. The petitioner claims to have made a representation on 02.01.2012 prior to such mutation but she is not in a position to produce a copy thereof. In the absence of any intimation to the Tahsildar concerned of her rights and interest, if any, in the subject land prior to the mutation being carried out in favour of the unofficial respondent, the petitioner cannot insist upon notice being issued to her before the mutation was carried out.

Admittedly, the name of the petitioner was never shown in the revenue records in relation to the subject land. That being so, the Tahsildar, Jharasangam Mandal, Sangareddy District, cannot act at this late stage upon any representation made by the petitioner to rectify the entries in the revenue records in relation to the subject

land. The remedy available to the petitioner under the Telangana Rights in Land and Pattadar Passbooks Act, 1971, is either by way of appeal or by way of revision.

The Writ Petition is therefore utterly misconceived and is accordingly dismissed. However, this order shall not preclude the petitioner from taking recourse to the statutory remedies available to her in accordance with the due procedure.

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

19th March, 2019
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JUSTICE SANJAY KUMAR

