

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5221 of 2019

ORDER:

The prayer of the petitioners 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 declaring the order of the 3rd respondent dated 19.02.2019 in dismissing the stay petition in the revision of the petitioners in proceedings case No.F3/3208/2018 before Joint Collector, Siddipet, which is filed against orders of 4th respondent in proceedings No.D/9004/2015 dated 07.08.2018 in dismissing the appeal preferred against Endorsement proceedings of 5th respondent vide Notice No.B/2045 of 2015 dated 22.08.2015 in rejecting mutation and not issuing pattadar pass books and title deeds in favour of petitioners in respect of the land admeasuring an extent of Ac.0.35 guntas in Survey No.1340-3 of Lingareddy Village, H/o Siddipet, Siddipet Mandal, Medak District, presently Siddipet District, as illegal, arbitrary and violative of principles of natural justice and volatile of Articles 14, 21 and 300A of the Constitution of India 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 impugned order dated 19.02.2019 passed by the Joint Collector, Siddipet District, in the interlocutory application filed by the petitioners in their Revision Case demonstrates that the petitioners were unsuccessful throughout in seeking mutation in the revenue records in relation to the land admeasuring Ac.0.35 guntas in Survey No.1340-3 of Lingareddy Village, Siddipet Mandal, Siddipet District, in which they claimed rights under a registered sale deed of the year 2014.

According to the Tahsildar, Siddipet Urban Mandal, Siddipet District, the land in question was classified as 'Government land' in the revenue records and therefore the question of mutation being carried out in favour of the petitioners did not arise. The Revenue

Divisional Officer, Siddipet, confirmed this order of the Tahsildar in exercise of appellate power *vide* order dated 07.8.2018 leading to the filing of a Revision before the Joint Collector, Siddipet District. By way of the order dated 19.02.2019, the Joint Collector opined that the petitioners failed to prove that the assignment, if any, in respect of the subject land was made to a political sufferer, T.Rangamma, entitling her to alienate the land so assigned and accordingly dismissed the stay petition.

By way of the said stay petition, the petitioners not only sought suspension of the order dated 07.8.2018 of the Revenue Divisional Officer, Siddipet, but also sought a further direction to the revenue authorities not to dispossess them from the land in question.

Be it noted that suspension of the appellate order dated 07.8.2018 passed by the Revenue Divisional Officer, Siddipet, would not benefit the petitioners at all as the Tahsildar also had held against them.

In so far as the prayer of the petitioners for a direction to the revenue authorities not to dispossess them from the land in question is concerned, it may be noted that proceedings under the Telangana Rights in Land and Pattadar Pass Books Act, 1971, only pertain to entries in the revenue records and not to adjudication and implementation of possessory rights. In exercise of power in such proceedings, it would not be open to the revenue authorities to resort to dispossession. In the event the petitioners apprehend that

the State may resort to dispossess them from the land in question basing on the entries existing in the revenue records to the effect that it is Government land, their remedy would lie elsewhere and not by way of an interlocutory application in the proceedings arising under the Telangana Rights in Land and Pattadar Pass Books Act, 1971. This Court therefore finds no error having been committed by the Joint Collector, Siddipet District, in rejecting the stay petition filed by the petitioners in the pending Revision Case.

The Writ Petition is devoid of merit and is accordingly dismissed. This order shall however not preclude the petitioners from taking recourse to appropriate remedies available to them in law before a competent forum in connection with the alleged threat of their possession, if any, over the subject land.

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

13th March, 2019
dr

JUSTICE SANJAY KUMAR