

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.5541 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 writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No. 2 in non taking the appeal filed vide Appeal No. B/57/2019 dt 6.2.2019 aggrieved by the mutation of the name of the respondent No. 4 for the land in survey No. 379 extent ac 0. 30 gts situated at Tandur village and Mandal, Mancherla District by deleting the name of the mother of the petitioner for the entire land in survey No. 379/1 extent Ac 2.83 basing on the ordinary sale deed 16.7.1958 without issuing any notice and following the law laid down by Full Bench of this Hon’ble court without considering the application for succession dated 30.6.2016 as arbitrary and illegal and contrary to the provisions of the Telangana Rights in lands and Pattadar Pass books Act 1971 and also violative of principles of natural justice and thereby violated the Article 14, 16 and 300A of constitution of India consequently direct the respondent No.2 to dispose the appeal dated 6.2.2019 vide No B/57/2019 and to pass such other order or orders as this Hon’ble Court may deem fit just and proper in the circumstances of the case.’

Perusal of the record reflects that the petitioner never filed an appeal under Section 5(5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, as such but merely made a representation on 05.02.2019 to the Sub-Collector, Bellampally Revenue Division, Mancherla District. The same seems to have been received by the Office of the Sub-Collector, Bellampally, on 06.02.2019 and according to Sri G.Madhusudhan

Reddy, learned counsel for the petitioner, the same has been entertained as an appeal.

It may be noted that an appeal under Section 5(5) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971, has to be filed in accordance with the provisions of Rule 21 of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989. Such an appeal has to be in writing, setting forth concisely the grounds thereof, and has to bear a Court fee stamp of Rs.5/- only. The representation dated 05.02.2019 made by the petitioner does not conform to these requirements.

The petitioner, having failed to file an appeal in the prescribed format, cannot now complain of inaction on the part of the Sub-Collector/Revenue Divisional Officer, Bellampally Revenue Division, Mancherla District, upon his representation dated 05.02.2019.

The writ petition is accordingly dismissed leaving it open to the petitioner to file a proper appeal, if he so chooses, in accordance with the due procedure. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

18th MARCH, 2019

Svv

SANJAY KUMAR, J