

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6249 of 2019

ORDER:

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

'For the reasons mentioned above, it is humbly prayed that this Hon'ble Court may be pleased to issue the appropriate writ, order or directions, preferably a writ of mandamus to declare the inaction of the respondents authority to direct the revenue authority to issued pattadar pass books and title deeds and incorporate their names in the revenue record by issuing the proceedings empowered under section 5 of AP Rights in Pattadar Pass Book And Title Deeds Act, 1971 and Rules 1989, amended the Telangana Rights in Pattadar Pass Book And Title Deeds Act, 2018 by considering the judgment and preliminary decree and final decree passed by the Honourable XII Addl. District Judge, Ranga Reddy District, at Vikarabad, in OS No.7 of 2013 and to pass such other order or orders as deem fit and proper under the circumstances of the case.'

As this Court does not propose to go into the merits of the matter or decide any issue, it would not be necessary to put respondents 6 to 8 on notice or afford them an opportunity of hearing at this stage.

It is the case of the petitioners that in terms of the final decree dated 28.12.2017 passed in I.A.No.384 of 2015 in O.S.No.7 of 2013 on the file of the learned XII Additional District Judge, Ranga Reddy District at Vikarabad, they would be entitled to seek mutation in the revenue records in relation to the land that fell to their share thereunder.

It appears that the petitioners made a detailed representation in this regard to the Tahsildar, Shankarpally Revenue Mandal, Ranga Reddy District, and the same was received by the office of the Tahsildar on 25.01.2018. Complaining of inaction on the part of the said Tahsildar, the petitioners are before this Court.

It may however be noticed that as per Section 4 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'), any person acquiring any right as owner or pattadar of a land, be it by succession, survivorship, inheritance, partition, Government patta or a decree of a Court, is required to intimate in writing to the Tahsildar concerned his acquisition of such right within thirty days from the date of acquisition. Rule 18(2) of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989, provides that the intimation of acquisition of rights under Section 4 of the Act of 1971 shall be in Form VI(A).

It is an admitted fact that the petitioners did not follow the aforesaid procedure and merely made a written representation to the Tahsildar concerned.

Without following the prescribed procedure, it is not open to the petitioners to allege inaction on the part of the Tahsildar, Shankarpally Revenue Mandal, Ranga Reddy District.

The writ petition is accordingly disposed of permitting the petitioners to make an application in the prescribed format in Form VI(A) along with the requisite fee to the Tahsildar, Shankarpally Revenue Mandal, Ranga Reddy District. In the event such an application is received, the Tahsildar shall consider the same on its own merits and take appropriate action thereon in accordance with law expeditiously and in any event, not later than four weeks from the date of its receipt.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 26.03.2019
GJ