

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6413 of 2019

ORDER:

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

'For the reasons stated in the accompanying affidavit, it is prayed that, this Hon'ble Court may be pleased to issue Writ, order or direction preferably Writ of Mandamus, declaring the inaction of the Respondents 2 to 4 in issuing passbooks and title deeds in favor of the petitioner in view of his application dated 2.03.2019 and affect changes in the revenue records in respect of the total land admeasuring Acs.16.39gts i.e. Ac.1.27gts in Sy.No.210, Ac.1.19gts in Sy.No.124/e, Ac.No.1.18gts in Sy.No.124/a, 0.38gts in Sy.No.175/a, Ac.1.19gts in Sy.No.124/aa, Ac.0.32gts in Sy.No.75/a, Ac.0.32gts in Sy.No.75/aa, Ac.0.22gts in Sy.No.75/e, Ac.1.02gts in Sy.No.75/ee, Ac.1.10gts in Sy.No.210/1, Acs.3.18gts in Sy.No.244, Ac.1.02gts in Sy.No.75/ee, Ac.3.18gts in Sy.No.244, situated at Sarapaka Village, Burgailipadu Mandal, Bhadradri Kothagudem District as illegal, arbitrary and violative of principles of natural justice and consequently direct the 4th respondent to conduct enquiry on the basis of the representation dated 02.03.2019 submitted by the petitioner by following due procedure and incorporate the name of the petitioner in respect of the subject land and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

It is the case of the petitioner that his father's name is entered in the revenue records as the pattadar of the subject lands. However, the names of the unofficial respondents herein are shown in the possession column as against some of the lands. The petitioner made representation dated 02.03.2019 to the Tahsildar, Burgampadu Mandal, Bhadradri Kothagudem District, ventilating his grievance.

Perusal of the representation reflects that the petitioner also sought mutation of his name in the revenue records on the ground that he inherited the lands in question after the death of his father.

In terms of Section 4 of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'), any person acquiring an interest in land, be it as an owner or a pattadar or an occupant, by succession, survivorship and inheritance, etc., 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, postulates 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 petitioner did not submit an application in Form VI(A) to the Tahsildar with regard to his acquisition of rights in the subject lands.

Without making a proper application, it is not open to the petitioner to complain of inaction on the part of the revenue authorities.

The writ petition is accordingly disposed of permitting the petitioner to make an application in the prescribed format in Form VI(A) along with the requisite fee to the Tahsildar, Burgampadu Mandal, Bhadradi Kothagudem District. In the event such an application is received, the Tahsildar shall take appropriate action thereon in accordance with the due procedure and also ascertain the factum of possession over the subject lands. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of such application.

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

JUSTICE SANJAY KUMAR

Date:27.03.2019

GJ