

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6749 of 2019

ORDER:

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

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not disposing off or hearing of the Case No.D/19/2018 filed by the petitioner requesting to issue ROR proceedings, Pattadar passbooks and title Deeds in respect of the petitioner's land admeasuring Acs.12.28 gts in Survey no.485 situated at Manchirevula Village, Gandipet Mandal, Ranga Reddy District after issuance of the notice dated 6.1.2018 not taking the matter is illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent to hear the matter pending for the last one year two months and to pass orders expeditiously in the interest of justice.'

It appears that the Tahsildar, Gandipet Mandal, Ranga Reddy District, took on file the Form VI(A) application filed by the petitioner under the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act of 1971'), and numbered it as Case No.D/19/2018. The grievance of the petitioner is that no steps are being taken in the matter by the Tahsildar.

Though mentions were made by some learned counsel stating to the effect that their clients are interested parties and would like to get impleaded in this writ petition, this Court is of the opinion that no adjudication is warranted on the merits of the matter at this stage.

The present complaint of the petitioner is that his application, after being numbered, is kept pending indefinitely.

It may be noted that as per Rule 18 of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989 (for short 'the Rules of 1989'), after receiving an application in Form VI(A), the Tahsildar concerned is required to follow the procedure prescribed in Section 5 of the Act of 1971

before making any amendment in the record of rights or refusing to make such an amendment. Section 5(3) of the Act of 1971 requires the Tahsildar to issue a notice in writing to all persons whose names are entered in the record of rights or who are interested in or affected by the amendment and to any other persons whom he has reason to believe to be interested therein or affected thereby to show cause within the period specified therein as to why the amendment should not be carried out. A copy of the notice is also required to be published in the manner prescribed.

In that view of the matter, this Court sees no reason as to why the Tahsildar should keep the case pending. It is for him to follow the prescribed procedure, as set out *supra*.

The writ petition is accordingly disposed of directing the Tahsildar, Gandipet Mandal, Ranga Reddy District, to abide by the due procedure set out in the Act of 1971 and the Rules of 1989 and take an appropriate decision in the pending Case No.D/19/2018 expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order, be it from whatever source.

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

JUSTICE SANJAY KUMAR

Date:02.04.2019
GJ