

**HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
HON'BLE DR. JUSTICE SHAMEEM AKTHER**

WRIT APPEAL No. 494 of 2019

JUDGMENT: *(per the Hon'ble Dr. Justice Shameem Akther)*

Heard the learned counsel for the appellant and perused the record.

This writ appeal is filed aggrieved by the order dated 14.03.2019 passed by the learned Single Judge dismissing writ petition No.9592 of 2014 filed by the appellant seeking to declare the action of the 1st respondent-Tahsildar, Mandal Revenue Office, Shamshabad Mandal, in issuing the proceedings dated 30.04.2013 as illegal and arbitrary.

The learned counsel for the appellant would submit that the appellant was not heard by the Tahsildar. Without providing adequate opportunity of hearing to the appellant, the application filed by the appellant before the Tahsildar was dismissed and ultimately, prayed to set aside the order under appeal.

A perusal of the order under appeal would reveal that under Section 3(3) of the Telangana Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), an application for rectification of entries in the record of rights is maintainable before the Tahsildar, provided it is filed within a period of one year from the date of notification of revenue records. As seen from the record, the appellant is seeking rectification of entries in the record of rights beyond the period of one year. The learned

Single Judge adverting to the provision under Section 3(3) of the Act and also Rule 15 of the Telangana Rights in Land and Pattadar Pass Books Rules, 1989, held that application filed by the appellant before the Tahsildar is not maintainable. A perusal of the order passed by the Tahsildar vide Proceedings No.B/1121/2011 dated 30.04.2013 also reveals that there was an opportunity provided to the appellant and a copy of this order was communicated to the appellant.

Under these circumstances, since the application filed by the appellant for rectification before the Tahsildar was beyond a period of one year and that opportunity was provided to the appellant by the Tahsildar, it cannot be said that the order passed by the Tahsildar was without hearing. The learned Single Judge rightly dismissed the writ petition. There is no infirmity or illegality in the order under appeal so as to interfere with the same.

The writ appeal is devoid of merit and it is dismissed accordingly.

Pending miscellaneous petitions, if any, shall stand dismissed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

Date: 14.06.2019

DR. SHAMEEM AKTHER, J

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